



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, TUESDAY, NOVEMBER 13, 2001

No. 156

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. WHITFIELD).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 13, 2001.

I hereby appoint the Honorable ED WHITFIELD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H. Con. Res. 130. Concurrent Resolution authorizing printing of the book entitled "Asian and Pacific Islander Americans in Congress".

H. Con. Res. 264. Concurrent Resolution expressing the sense of Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to the United States, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

AVIATION SECURITY

Mr. DEFAZIO. Mr. Speaker, it has been 2 months since terrorists used our civilian airliners as weapons of mass destruction. Yet we have not made major changes in aviation security here in the United States Congress. A few steps have been taken by executive order, by the FAA administrator, by orders from the President and the Secretary of Transportation. Reinforcement of flight deck doors. We have got people looking over the shoulders of the private security firms, whatever good that does if you do not watch them every second of every day. But the major things that need to be done need to be done by statute, by change in the law. Yet it is not yet done.

How could it take so long? Well, there is a major hang-up and the major hang-up is that the majority whip and the majority leader, the gentleman from Texas (Mr. DELAY) and the gentleman from Texas (Mr. ARMEY), are adamantly and absolutely opposed to true federalization of aviation security at the airports, that is, taking the failing private security firms, putting them out of business, which is what they deserve, and bringing in Federal law enforcement just like we have outside the doors of this Chamber and at many other Federal installations to provide security around the country to make certain that people do not bring weapons on board airplanes and smuggle weapons or bombs into baggage and other critical areas of the airports.

They say, well, we will more closely supervise those private firms. Well, the record is pretty miserable. Since September 11, there have been 24 incidents, major breaches of airport security by these same private firms. Twenty-four in 2 months. That is better than they

usually do because actually over the last 5 years they have averaged one breach that was finable or prosecutable a day for the last 5 years. So they are doing better. About 50 percent of the days, they are doing a pretty good job, or at least as far as we know.

But the failures are pretty notable: the guy with the seven knives, the stun gun and the mace in Chicago; the honest passenger on board Southwest Airlines who rang his call button and asked the flight attendant to come and take his loaded gun because he forgot it was in his briefcase and opened his briefcase on the plane; the concourses and planes that had to be returned to concourses because people were waved through security. At Logan, one of the Argonbright folks actually saw a weapon go through the screening device, but they were in the middle of their nap or their trance; and the person was long gone down the concourse before they said, oh, wait a minute, I saw a knife or a weapon about 5 minutes ago, and they had to empty out the concourse.

They say they will do better. I do not believe that these firms will do better. They say they will be better supervised. What is better supervision than probation? Argonbright, the largest private security firm in the United States of America, owned by Securicor of Europe, was last year convicted, criminally convicted. Unfortunately, none of their executives went to jail. That might have gotten their attention. They did not. But they were criminally convicted of hiring known felons, maintaining known felons on staff, falsifying documents of the Federal Government regarding the training of employees and the background checks of employees. They were fined \$1.5 million and put on probation. Well, guess what? About a month ago, they were found to be in violation of their probation. For doing what? Hiring and maintaining known felons on staff, falsifying Federal documents. They are

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H8035

going to be fined again, and their probation is going to be extended.

This is closer supervision? What closer supervision can you provide, except, as I said, maybe to put some of these executives of these failing private firms in jail, you will get their attention. Maybe that would shape them up. But I think the cleaner way to deal with this is the way we deal with other Federal Government law enforcement functions, and, that is, to admit it is a law enforcement function and put qualified law enforcement personnel in all of the critical places, in all our airports to assure the safety of the flying public.

Two months is way too long to delay. And it will be extraordinary if because of the opposition to Federal law enforcement by a few Members of the majority that this Congress before the busiest travel weekend of the year, Thanksgiving, does not act in the long-term interests of security and the flying public. We have an opportunity this week. The bill must get done.

ATTORNEY GENERAL'S PATTERN OF DISTURBING ACTIONS IN MIDST OF BATTLE AGAINST TERRORISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Massachusetts (Mr. FRANK) is recognized during morning hour debates for 5 minutes.

Mr. FRANK. Mr. Speaker, I am troubled by the pattern that appears to be emerging within the U.S. Justice Department under the leadership of the Attorney General of deviating from what ought to be the course of action appropriate right now. We were victimized on September 11 by a fiendish, unfortunately skillful group of mass murderers who wreaked terrible destruction on innocent people. And clearly a tough, effective law enforcement response is one of the things that is called for. We worked hard in the Congress to enhance the law enforcement powers of the Federal authorities. There was virtual unanimity that they should be given increased surveillance powers.

In the end, some of us were disappointed that some safeguards we had devised were not in the final bill and some of us opposed it, but we did not oppose it because we opposed the enhanced surveillance powers. We agreed on those. We should be going further. Congress is partly guilty of having insufficiently funded the Immigration Service and others who are our first line of defense. There is broad support in the Congress and in the country for this kind of increased law enforcement, but I fear that the Attorney General's actions may be jeopardizing that consensus and he is introducing into a subject that ought to be one of virtual unanimity a degree of conflict.

First, we have a couple of issues that ought not to have been pursued at this

time. In my judgment, they should not have been pursued at all. But recently the Attorney General, in the midst of telling us that he is going to reorient the FBI and reorient the Justice Department to focus on terrorism, at a time when we know we have done a poor job of keeping track of people admitted into this country for limited periods and limited purposes, we have done a poor job of enforcing those limits, the Attorney General is engaged in a couple of ideological crusades, in both cases ignoring referenda passed by two States. States' rights is sometimes respected by my conservative colleagues; but it is sometimes, I guess when it gets in the way of their ideology, ignored.

The people of Oregon twice voted in a referendum to allow doctors to help with suicides. People outside of Oregon may not like it, that is their right; but that was the vote of the people of Oregon. There was an effort by the Congress to overturn that. While the House passed the bill, the Senate rejected it so the law was not changed. The Attorney General has nonetheless found time in this fight to divert energies into trying to overrule, in effect, the vote of the people of Oregon.

Similarly, the people of California and many other States voted to allow the medical prescription of marijuana. The Attorney General simply again diverted law enforcement efforts to go after people who were guilty only of trying to use marijuana to alleviate their pain.

And even more troubling is what is going on in law enforcement itself. Yes, all the powers available to law enforcement should be used to protect us against terrorists. But a refusal by the Justice Department to tell us exactly what numbers of people are being detained, how many are being released, what are the conditions of the detention, those serve no law enforcement purpose.

□ 1245

What they do is raise questions in people's minds about whether or not powers are abused. If people fear powers are abused, we will resist granting those powers. In fact, there are powers that ought to be there.

The Attorney General disserves our effort by allowing controversy to exist where it should not. The most recent announcement that monitoring of conversations will now take place between people who have been confined and their lawyers is very disturbing. Remember, we are not talking here about terrorists having their conversations overheard. We are talking about people who have been detained; who have been convicted of no crime; who are guilty, as far as we know, maybe of something, maybe of nothing, but who have not had any adjudication; and we are talking about monitoring their lawyers' conversations.

Now, the Justice Department acknowledges that to do that in a way

that was relevant to a trial would not be permissible, so we are told that we will monitor those conversations, but information gained in that monitoring would not be admissible at trial.

Mr. Speaker, I am afraid that invites judicial intervention, so that if they do proceed in some cases with a trial and a conviction, that could be jeopardized.

We have past experience. We have the case of Wen Ho Lee, an American citizen who was accused of espionage, and the FBI abused his rights. A Federal judge criticized the FBI for that.

That is the point we want to make. We are not talking here about defending terrorists; we are not talking about defending people who are guilty. We are talking about the rights of people who have been accused of crimes to prepare their defense.

I hope the Attorney General reconsiders this pattern of disturbing actions.

RECESS

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 46 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WHITFIELD) at 2 p.m.

PRAYER

The Reverend Vincent A. Cummings, Chaplain, Captain, United States Air Force Reserve, Nashville, Tennessee, offered the following prayer:

Father, we gather here today as public servants, assembled collectively inside this, the United States House of Representatives. Use us as instruments of Your will. We thank You for the life, health, wisdom and love You have bestowed upon our Nation.

First, we ask that You confer upon us, whether rich or poor in spirit, Your most holy traits of mercy and humility. Place a burden on the hearts of these legislators for those who have the least. Let them constantly remember their duties to their citizens, but most of all, those who are the meekest: the homeless, the poor, and the oppressed. Anoint these great men and women to also be protectors of the future, our children, and never allow them to forsake their well-being for the interests of the present.

Continue also to develop the tenets of selfless service and honorable character in all of us, as we serve this great country as its leaders. Teach us to do what is right for all time, not what is acceptable for the moment at hand. Let us also remember that freedom is not free. As witnessed through our Nation's recently shed blood, a price was

paid for the liberty we now enjoy. Show us that Your grace must coincide with the justice we diligently pursue. Never again let us have words and promise take the place and deeds and actions.

Finally, hold us accountable to a higher standard when our personal judgment takes place. Examine us upon what we did to make these, our United States of America, a better place for all. Peer into our hearts and see the humility, the grace, and the courage to have made the best decisions for those we serve. But, most of all, judge us on how well we loved our brothers and sisters, the citizens of the United States of America, through our acts as their servant leaders.

May God continue to bless all of you, the elected representatives of the House, and may God continue to bless these, our United States of America. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. CLEMENT) come forward and lead the House in the Pledge of Allegiance.

Mr. CLEMENT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF THE REVEREND VINCENT CUMMINGS

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Mr. Speaker, I have the privilege today of introducing to my colleagues my constituent, the Reverend Vincent Cummings, who just gave the prayer.

Reverend Cummings represents the North American Mission Board of the Southern Baptist Convention. He currently serves as Associate Pastor for Calvary Baptist Church located in Nashville, Tennessee. He is also a candidate for the Master of Public Administration degree at Tennessee State University Institute of Government.

In addition, Captain Vincent A. Cummings is a chaplain with the 932nd Airlift Wing, United States Air Force Reserve Command.

As our men and women overseas continue to wage war against terrorism in Afghanistan, people like Chaplain Cummings minister to the spiritual needs of our military. His service is invaluable, and I commend him for his

dedication to serving our country. Our National Guard and Reserve forces are playing a critical role in protecting our country at home and abroad.

As a retired member of the Tennessee National Guard, I know firsthand how important our chaplains are. They provide guidance in times of confusion, solace in times of distress, and comfort in times of sadness.

I want to welcome him here today and thank him for his guidance. I want to thank our wonderful chaplain, Chaplain Coughlin, who, as our U.S. House of Representatives chaplain, has made us proud and is a true man of God. God bless.

WESTERN SAHARA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the new king of Morocco, King Mohammed VI, seems intent on renewing conflict in Western Sahara. The King recently visited Moroccan troops stationed in the Occupied Territory of Western Sahara to celebrate the 1975 anniversary of the Moroccan invasion. The King initiated new oil contracts for Western Saharan land with American and French companies. The King of Morocco is acting as if Western Sahara is Moroccan territory.

The 1975 International Court of Justice decision clearly states there are no ties, quote, "of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco."

The Sahrawi people love democracy and the American people and have rebuffed attempts by rogue nations to get involved in their conflicts. The provocative acts of King Mohammed VI could plunge North Africa into conflict and instability, a perfect opportunity for the terrorist extremists in Morocco to attack innocent Moroccans, Algerians, and others.

Morocco's continued blocking of the referendum for the Sahrawis makes it quite possible that hostilities could resume. I urge the Moroccan Government to stick to the original agreements arrived at under the United Nations.

WE NEED TRADE PROMOTION AUTHORITY

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, it has been said that nothing will ever be attempted if all possible objections must first be overcome.

Mr. Speaker, the bipartisan compromise on Trade Promotion Authority has not overcome every possible objection. But it is far closer to that goal than many of us thought possible. We have addressed Members' concerns in a bipartisan fashion, working in good faith to create consensus. Now it ap-

pears new objections have been raised. These objections are not constructive. They were meant to derail this legislation, not improve it.

We can always find new reasons to maintain the status quo, but it is time to drop extraneous objections and acknowledge the fundamental benefits of trade.

Trade Promotional Authority will allow us to finally make serious progress in the effort to forge new trade agreements that benefit our constituents. Without TPA we can give up any notion of leading the world in opening new markets, promoting worker protection, and setting international technological standards. And by refusing to entrust our negotiators with the authority to move ahead on trade agreements, we are crippling American industries.

Mr. Speaker, it is time to consider this issue on its merits rather than politics. We must set aside our differences and recognize that the compromise embodied in H.R. 3005 will benefit the American people.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. WHITFIELD) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 13, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on November 9, 2001 at 4:20 p.m. and said to contain a message from the President whereby he submits a certification report concerning China's accession to the WTO in accordance with P.L. 106-286.

With best wishes, I am
Sincerely,

JEFF TRANDAH, L.
Clerk of the House.

REPORT ON CERTIFICATION OF TERMS AND CONDITIONS FOR ACCESSION OF PEOPLE'S REPUBLIC OF CHINA TO WORLD TRADE ORGANIZATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-146)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with the requirements of Public Law 106-286, I hereby transmit the attached report certifying that the terms and conditions for the accession of the People's Republic of China

to the World Trade Organization are at least equivalent to those agreed between the United States and the People's Republic of China on November 15, 1999.

GEORGE W. BUSH.
THE WHITE HOUSE, November 9, 2001.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 9, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit three sealed envelopes received from the White House on November 9, 2001, at 12:05 p.m. and said to contain messages from the President whereby he transmits a copy of a 6-month periodic report concerning the emergency with Iran first declared in Executive Order 12170 of November 14, 1979; a copy of a notice filed with the *Federal Register* continuing the emergency with Iran first declared in Executive Order 12170 of November 14, 1979; and a copy of a notice filed with the *Federal Register* continuing the emergency concerning weapons of mass destruction first declared in Executive Order 12938 of November 14, 1994.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,
Deputy Clerk of the House.

CONTINUATION OF EMERGENCY REGARDING WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-147)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication. The notice states that the national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and the means of delivering such weapons declared by Ex-

ecutive Order 12938 on November 14, 1994, is to continue in effect beyond November 14, 2001. The most recent notice continuing this emergency was published in the *Federal Register* on November 13, 2000 (65 Fed. Reg. 68063).

The proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared on November 14, 1994, regarding weapons of mass destruction, beyond November 14, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, November 9, 2001.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO THE 1979 IRANIAN EMERGENCY AND ASSETS BLOCKING—MES- SAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-148)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979.

GEORGE W. BUSH.
THE WHITE HOUSE, November 9, 2001.

CONTINUATION OF IRAN EMER- GENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-149)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency declared by Executive Order 12170 on November 14, 1979, is to continue in effect

beyond November 14, 2001, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on November 13, 2000 (65 Fed. Reg. 68061).

Our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981, agreements with Iran is still underway. For these reasons, I have determined that it is necessary to continue the national emergency declared on November 14, 1979, with respect to Iran, beyond November 14, 2001.

GEORGE W. BUSH.
THE WHITE HOUSE, November 9, 2001.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on motions to suspend the rules ordered prior to 6:30 p.m. will be taken today.

Record votes on remaining motions to suspend the rules will be taken tomorrow.

□ 1415

ENHANCED PROTECTIVE ACTIVITIES ACT OF 2001

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2541) to enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities, as amended.

The Clerk read as follows:

H.R. 2541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enhanced Protective Activities Act of 2001".

SEC. 2. STATE DEPARTMENT SPECIAL AGENT AU- THORITIES.

Section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) in the course of performing the functions set forth in paragraphs (1) and (3), obtain and execute search and arrest warrants, as well as obtain and serve subpoenas and summonses, issued under the authority of the United States;"

(2) in paragraph (3)(F) by inserting "or President-elect" after "President"; and

(3) by striking paragraph (5) and inserting the following:

"(5) in the course of performing the functions set forth in paragraphs (1) and (3), make arrests without warrant for any offense against the United States committed in the presence of the special agent, or for any felony cognizable under the laws of the United States if the special agent has reasonable grounds to believe that the person to

be arrested has committed or is committing such felony.”.

SEC. 3. INTERFERENCE WITH PROTECTIVE FUNCTIONS.

(a) GENERALLY.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

“§ 117. Interference with protective functions

“(a) Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged in the performance of the protective functions authorized by section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) shall be fined under this title or imprisoned not more than one year, or both.

“(e) Whoever engages in any conduct—

“(1) directed against an individual entitled to protection under section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709, and

“(2) which would constitute a violation of section 112 or 878 if such individual were a foreign official, an official guest, or an internationally protected person, shall be subject to the same penalties as are provided for such conduct directed against an individual subject to protection under such section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following:

“117. Interference with protective functions.”.

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2541, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2541, a bill to enhance the authorities of the Diplomatic Security Service agents at the U.S. Department of State.

The measure before us includes an amendment that was recommended by the Committee on the Judiciary. The bill was drafted in consultation with the State Department. I want to thank and congratulate the author of the bill, the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, and the gentleman from California (Mr. LANTOS), the ranking democrat and member of the committee, who was a principal cosponsor of the legislation.

The provisions clarify and expand the circumstances in which subpoena and arrest authority is available for State Department diplomatic security officers who often find themselves on the front line of defense against terrorism and other threats to our national security.

Mr. Speaker, H.R. 2541 authorizes diplomatic security special agents to obtain and execute search warrants, subpoenas or summonses as those relate to their protective duties and to passport and visa fraud investigations. It also permits agents, in the course of conducting their investigative or protective duties, to make arrests without warrant for offenses committed in their presence or in certain other compelling circumstances, just as other Federal law enforcement officers are now empowered to do.

The bill also allows diplomatic security agents to make misdemeanor arrests of persons obstructing or impeding agents in the performance of their protective functions.

Finally, Mr. Speaker, H.R. 2541 fixes a disconnect in current law in which the Secretary of State may authorize protection of distinguished visitors, but where it does not make it a Federal crime to attack such visitors. Current law only criminalizes attacks on distinguished visitors protected by the Diplomatic Security Services when they are “official” visitors.

There are occasions in which such protective services may appropriately be authorized for visitors who are technically official, such as, for instance, the Dalai Lama or Salman Rushdie. So this legislation ensures that diplomatic security officers will be empowered to arrest people who assault anyone who is lawfully under their protection.

Mr. Speaker, I urge Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself as much time as I might consume, and I rise in strong support of this bill.

I want to thank the gentleman from Illinois (Mr. HYDE) for introducing this legislation, which provides expanded authority to the agents of the Department of State's diplomatic service to enable them to carry out their protective functions more effectively.

These authorities are being requested by the administration, Mr. Speaker. In the current situation, when we are fighting a global war against terrorism, it is absolutely crucial that the State Department have all the authority it needs for the protective and law enforcement functions of the diplomatic service agents.

The agents in our diplomatic service in the Department of State regularly risk life and limb to protect not only our diplomatic facilities both here and abroad, the men and women who work in them, but also foreign officials and important guests of the United States.

The Diplomatic Security Service, Mr. Speaker, is also at the front line of our homeland security efforts as they conduct visa and passport fraud investigations. Our bill provides them with all the authority that they need to effectively carry out these functions.

Mr. Speaker, we have embarked on a new kind of conflict since September

11, 2001. We need to provide all the authorities and all the support not only for our men and women in uniform but also to our diplomats and other government officials who are working actively to make sure that we prevail in this conflict.

I urge all of my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2541, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMENDING DAW AUNG SAN SUU KYI ON THE 10TH ANNIVERSARY OF HER RECEIVING THE NOBEL PEACE PRIZE

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 211) commending Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize and expressing the sense of the Congress with respect to the Government of Burma, as amended.

The Clerk read as follows:

H. CON. RES. 211

Whereas since 1962, the people of Burma have lived under a repressive military regime;

Whereas in 1988, the people of Burma rose up in massive prodemocracy demonstrations;

Whereas in response to this call for change, the Burmese military brutally suppressed these demonstrations;

Whereas opposition leader Daw Aung San Suu Kyi was placed under house arrest after these demonstrations;

Whereas in the 1990 Burmese elections, Daw Aung San Suu Kyi led the National League for Democracy and affiliated parties to a landslide victory, winning 80 percent of the parliamentary seats;

Whereas the ruling military regime rejected this election and proceeded to arrest hundreds of members of the National League for Democracy;

Whereas Daw Aung San Suu Kyi's freedom of speech was restricted by the military regime;

Whereas in recognition of her efforts to bring democracy to Burma, Daw Aung San Suu Kyi was awarded the Nobel Peace Prize on October 14, 1991;

Whereas Daw Aung San Suu Kyi remained under unlawful house arrest until 1995;

Whereas even after her release, the Burmese military regime, known as the State

Peace and Development Council (SPDC), has continued to ignore the basic human rights of 48,000,000 Burmese citizens and has brutally suppressed any opposition to its authority;

Whereas according to the State Department, the SPDC has made no significant progress toward stopping the practice of human trafficking, whereby thousands of people have been sent to Thailand for the purpose of factory and household work and for sexual exploitation;

Whereas the SPDC has forced civilians to work in industrial, military, and infrastructure construction operations throughout Burma, and on a large-scale basis has targeted ethnic and religious minorities for this work;

Whereas a Department of Labor report in 2000 described the human rights abuses of forced laborers, including beating, torture, starvation, and summary executions;

Whereas the worldwide scourge of heroin and methamphetamines is significantly aggravated by large-scale cultivation and production of these drugs in Burma;

Whereas the Drug Enforcement Agency has reported that Burma is the world's second largest producer of opium and opiate-based drugs;

Whereas officials in Thailand have estimated that as many as 800 million tablets of methamphetamine will be smuggled into their country this year, contributing to the growing methamphetamine problem in Thailand;

Whereas there are as many as a million internally displaced persons in Burma;

Whereas the SPDC has severely restricted Daw Aung San Suu Kyi's political activities;

Whereas in September 2000, Daw Aung San Suu Kyi was placed under house arrest when she attempted to visit a National League for Democracy party office on the outskirts of Rangoon, and again when she attempted to travel by train to Mandalay;

Whereas Daw Aung San Suu Kyi has recently begun talks with the SPDC which are welcomed by the international community, although the slow pace of the talks reflects on the SPDC's sincerity to move toward national reconciliation;

Whereas the SPDC has recently allowed the National League for Democracy to open some political offices, and has released some political prisoners, although over 1,800 such prisoners are believed to remain imprisoned;

Whereas with the exception of these positive developments the SPDC has made little progress in improving human rights conditions and restoring democracy to the country;

Whereas the SPDC has continued to restrict the political power of Daw Aung San Suu Kyi and the National League for Democracy;

Whereas Daw Aung San Suu Kyi's struggle to assert the rights of her people has spread beyond politics and into popular culture, as evidenced by others championing her cause, most notably the rock group U2 in their song "Walk On", which is banned in Burma; and

Whereas, in the face of oppression, Daw Aung San Suu Kyi has remained an outspoken champion of democracy and freedom: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress commends and congratulates Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize, and recognizes her remarkable contributions and tireless work toward bringing peace and democracy to Burma;

(2) it is the sense of the Congress that the President and Secretary of State should continue to encourage the Government of Burma to restore basic human rights to the

Burmese people, to eliminate the practice of human trafficking, to address the manufacture of heroin and methamphetamines, to continue the process of releasing political prisoners, to recognize the results of the 1990 democratic elections, and to allow Daw Aung San Suu Kyi and the National League for Democracy to enjoy unfettered freedom of speech and freedom of movement; and

(3) it is the sense of the Congress that Daw Aung San Suu Kyi should be invited to address a joint meeting of the Congress at such time and under such circumstances as will, in the judgment of Daw Aung San Suu Kyi, advance rather than endanger her continued ability to work within Burma for the rights of the Burmese people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I urge a unanimous vote in favor of this important resolution which makes clear that continued strong support of Congress for freedom and democracy in Burma and for the struggle of Nobel Laureate Aung San Suu Kyi and the National League of Democracy to assert the fundamental rights of the Burmese people.

I want to thank and congratulate the gentleman from New York (Mr. KING) and the 35 bipartisan cosponsors of this timely and important resolution.

Mr. Speaker, the manager's amendment, which is included in the text, now makes technical and drafting changes and has been agreed to by the chairman and the gentleman from California (Mr. LANTOS) on the Democratic side of the aisle.

Mr. Speaker, 10 years ago this month, the Nobel Committee recognized what the whole world knew, that the only way to restore peace and prosperity to the once-proud nation of Burma was to restore legitimacy. Burma is different from most other countries in which power is wielded by a totalitarian dictatorship, in that we do not have to theorize what would they do if they had the opportunity. The people had the opportunity, and they chose to govern themselves.

Eleven years ago, the military dictatorship did allow an election, which they figured they would be able to win by fraud and by dividing and conquering the different ethnic groups that comprise the nation of Burma; but to their shock, dismay and surprise,

the reformers won with an overwhelming support from all ethnic groups in all parts of the country. So the dictatorship simply canceled the results of the election.

Nevertheless, it laid to rest any doubt about the desire of the Burmese people, the earnest desire for freedom and democracy and about the fundamental illegitimacy of the military junta that has continued to govern Burma.

This resolution commends and rightfully commends Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize. She is a great leader. That anniversary occurred on October 14 of this year. The resolution also describes the suppression of freedom and democracy by the Burmese military junta and the continuing struggle of Aung San Suu Kyi and the National League for Democracy to assert the rights, legitimate rights, of the Burmese people.

It declares the sense of the Congress that the U.S. Government should continue to encourage the government of Burma to restore basic human rights to the Burmese people; to eliminate the practice of human trafficking; to address the manufacture of heroin; and to continue the process of releasing political prisoners; to recognize the result of the 1990 elections; and to allow Aung San Suu Kyi and the National League for Democracy to enjoy unfettered freedom of speech and freedom of movement.

Finally, Mr. Speaker, this resolution declares a sense of Congress that Aung San Suu Kyi should be invited to address a joint meeting of the Congress. It is my hope that this meeting will occur when Aung San Suu Kyi has taken her rightful place as the leader of a free and democratic Burma.

Mr. Speaker, I reserve the balance of our time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume, and I rise in strong support of H. Con. Res. 211.

First, I would like to commend my friend and colleague, the gentleman from New York (Mr. KING), for introducing this important legislation and my good friend the gentleman from New Jersey (Mr. SMITH), who has not only been a champion of human rights in Burma but across the globe.

Mr. Speaker, when visitors arrive in my office, they are greeted by a picture of one of the world's most inspirational figures, Nobel Laureate Aung San Suu Kyi. Suu Kyi's picture is a daily reminder to all who come to my office of her ongoing struggle for freedom and democracy in Burma.

As we all know, Aung San Suu Kyi led the National League for Democracy to a landslide victory in the 1990s election in Burma. Instead of accepting results of this election, Burma's brutal totalitarian regime rejected the results of the election, placed Aung San Suu Kyi under house arrest and arrested hundreds of members of her political movement.

Mr. Speaker, it would have been very easy and convenient for Aung San Suu Kyi to leave Burma and live her life in exile. When her husband was extremely ill in Great Britain and the Burmese Government refused to allow him to come to Burma to see her one more time, she could have left; but she chose to stay.

Facing enormous restrictions on her personal and political freedom, this courageous woman has continued the fight for freedom and democracy in Burma during the 10 years since she won the Nobel Peace Prize.

As Mahatma Gandhi, Martin Luther King, and Nelson Mandela found out, nonviolent struggle can take decades to succeed; and the struggle can be very lonely at times. This is all the more reason for the international community and for the United States to continue to stand with Aung San Suu Kyi in her struggle for freedom and democracy and all the values we share.

Aung San Suu Kyi recently began a dialogue with the Burmese Government, and I certainly hope that it will bear fruit; but we must keep the pressure on that dictatorial regime until democracy prevails in Burma.

To that end, I have introduced legislation which prohibits Burmese imports into the United States until the President determines that the Burmese Government has made progress in reversing its gross violations of internationally recognized human rights and worker rights, implementing democratic government and cooperating with the United States in our counternarcotics efforts. It is my earnest hope that the Committee on Ways and Means will expeditiously consider this legislation.

The resolution before us today, Mr. Speaker, will keep the pressure on the Burmese Government. By continuing to spotlight Aung San Suu Kyi's struggle in Burma and calling on our administration to encourage Burma to change its repressive and destructive policies, we build a stronger international coalition for positive change in Burma.

Before concluding, I also want to acknowledge our colleague, the gentleman from Oregon's (Mr. BLUMENAUER) helpful comments regarding this legislation. The gentleman has suggested that Aung San Suu Kyi could be invited to address a joint session of Congress by video conference. I think this is a creative idea, and we should give it serious thought.

I urge all of my colleagues to support H. Con. Res. 211.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I wish to thank Chairman HYDE for bringing to the floor H. Con. Res. 211, a resolution Commending Daw Aung San Suu Kyi on the 10th anniversary of her receiving the Nobel Peace Prize and expressing the sense of the Congress with respect to the Government of Burma. I want to commend the gentleman from New York, Congressman KING, for drafting this important resolution.

Daw Suu was under house arrest from 1989 to 1995 after winning a democratic election in 1990 and leading her party, the National League for Democracy, to a landslide victory, winning 80 percent of the parliamentary seats. However, she was rearrested a year ago and has once again been under house arrest since then.

One year ago talks began between her party the National League for Democracy and the military government. Since then we have seen the release of 2180 political prisoners and the opening of approximately 30 NLD offices. While we welcome these actions, Amnesty International reports that there are close to 1800 political prisoners still being held in Burma and at that pace it could be another 10 years before we see them all freed. This is not acceptable.

Human rights abuses continue, narcotics production and trafficking continue and the NLD and ethnic supporters of the democracy movement are not allowed to freely associate or express their views. Just two weeks ago the State Department issued its report on international religious freedom once again citing Burma as a country of concern for religious persecution.

Accordingly Mr. Speaker, I strongly support H. Con. Res. 211 and urge my colleague to support this bill.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of the resolution to honor Ms. Daw Aung San Suu Kyi, a political activist currently under house arrest in Burma. Ms. Suu Kyi has devoted her life to furthering the democratic cause in her native land, in opposition to the brutal military regime now in power.

The government in Burma acts with an overt disrespect for the human rights of the Burmese people. Human trafficking is a very real problem, which the military dictatorship makes no significant effort to curtail. And thanks to the government's involvement, the country ranks second only to Afghanistan in the production of heroin and methamphetamines. All publications, broadcast media, and even artwork are heavily censored. Freedoms of expression and assembly are ignored. The United Nations, Amnesty International, Human Rights Watch, and other groups have routinely reported massacres, torture, rape, detention without trial, massive forced relocations, and forced labor.

This is the government that Ms. Suu Kyi has been fighting for the past thirteen years. For seven of those years she has been under house arrest, subject to a law that permits detention without charge or trial. Yet she continues to advocate non-violent means of restoring democracy to her country. Because of her efforts she has become an international symbol of the fight against oppression and human rights abuses.

In 1991, Ms. Suu Kyi was awarded the Nobel Peace Prize. It is on the tenth anniversary of this occasion that we seek to honor her by recognizing her achievements and expressing our support of her endeavor to free Burma from the repressive and murderous dictatorship under which it suffers.

As many of my constituents already know, I have been following human rights abuses in Burma quite closely. On March 13, 2001, Trinity College in Hartford, Connecticut, hosted an Inaugural Human Rights Program Awards Ceremony which called attention to three teachers being held as political prisoners in

Burma. This program is believed to be the only undergraduate interdisciplinary human rights program in the United States, and is under the skillful direction of its Director, Maryam Elahi.

Eight months ago, a number of the members of the Congressional Human Rights Caucus joined me in writing to the State Peace and Development Council of Burma requesting the immediate release of the three educators who were imprisoned after unfair trials. Neither they nor their lawyers were permitted to speak in court, in a blatant violation of international human rights norms. We have not yet received a response to our letter.

Mr. Speaker, I ask my colleagues to again stand with me in denouncing the human rights abuses perpetrated by the Burmese government and in commemorating the non-violent and pro-democratic efforts of Ms. Suu Kyi by voting for this resolution.

Mr. KING. Mr. Speaker, I want to thank Chairman HYDE and the ranking member, the gentleman from California, Mr. LANTOS, for not only their longstanding commitment to democracy in Burma but their assistance in moving this resolution to the floor of the House. I also want to thank Joseph Rees, Peter Yeo and Jamie McCormick on the International Relations Committee for all their hard work and assistance.

Mr. Speaker, this past October 14th marked the 10th anniversary of Aung San Suu Kyi receiving the Nobel Peace Prize yet, today she remains under house arrest. Barricades surround her residence, her telephone number is cut off and Western journalists face detention if they go within 200 yards. Obviously the suppression of democracy continues in Burma.

The ruling military junta continues to abuse human rights and authorities continue to assist in the drug trade. Human trafficking and the displacement of peoples are persistent and growing problems. Burma's democratically elected government is still being denied the right to take office.

Through it all, Aung San Suu Kyi has been a paragon of personal and political strength. It is my hope that the U.S. Congress and the American people continue to recognize the personal and national struggle for freedom in Burma.

It is imperative that the United States continue to recognize and give hope to those who sacrifice so much in the name of freedom and democracy.

Certainly, Aung San Suu Kyi has inspired so many and given so much—that it would be a travesty for democratic nations to ignore and walk away from the oppression and military control that has become her way of life.

I urge my colleagues to support this resolution and continue their efforts to maintain pressure on the military junta in Burma.

□ 1430

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 211, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of

those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF CONGRESS THAT PRESIDENT ISSUE PROCLAMATION RECOGNIZING A NATIONAL LAO-HMONG RECOGNITION DAY

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 88) expressing the sense of the Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day, as amended.

The Clerk read as follows:

H. CON. RES. 88

Whereas the Lao-Hmong, which means "free people", are Laotian members of the Hmong tribe and are noted for their warrior tradition, loyalty, and bravery;

Whereas beginning in 1960 the United States recruited thousands of the Lao-Hmong to fight against the Communist Pathet Lao and North Vietnamese Army regulars in Laos;

Whereas the United States relied heavily on the Lao-Hmong Special Guerrilla Units to engage in direct combat with North Vietnamese troops from 1960 to 1975;

Whereas the Lao-Hmong conducted tactical guerrilla actions, flew thousands of deadly combat missions in support of the Armed Forces and the Central Intelligence Agency, and fought in conventional and guerrilla combat clashes with extreme casualties;

Whereas the Lao-Hmong, although outnumbered, fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail;

Whereas the Lao-Hmong protected United States personnel, guarded United States Air Force radar installations, gathered critical intelligence about enemy operations, and undertook rescue missions to save the lives of downed United States pilots;

Whereas more than 35,000 of the Lao-Hmong lost their lives defending the democratic way of life, and many more were seriously injured and disabled;

Whereas thousands of Lao-Hmong suffered grievous injuries and permanent disabilities, and thousands more were captured and sent to Communist concentration camps;

Whereas after the conclusion of the war, many Lao-Hmong soldiers were the victims of acts of retribution and atrocities by the Pathet Lao, causing many of the Lao-Hmong to flee to neighboring Thailand and become refugees; and

Whereas beginning with the City Council of Golden, Colorado, in 1995, various State and local governments have issued proclamations declaring July 22 as Lao-Hmong Recognition Day, and the issuance of a Presidential proclamation supporting the goals of Lao-Hmong Recognition Day would recognize the bravery, sacrifice, and loyalty to the United States exhibited by the Lao-Hmong in Southeast Asia: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should issue a proclamation—

(1) supporting the goals of Lao-Hmong Recognition Day; and

(2) calling on the people of the United States to recognize the service and sacrifice of the men and women of the Lao-Hmong with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 88.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 88, and I commend the gentleman from Colorado (Mr. TANCREDI) for introducing this important measure.

This resolution expresses congressional support for the goals of Lao-Hmong Recognition Day. It asks the President to issue an appropriate proclamation. That proclamation should recognize the contributions of the Lao-Hmong in defending freedom and democracy. And it should call on Americans to recognize the service and the sacrifice of the Lao-Hmong with appropriate ceremonies and activities.

The Lao-Hmong fought valiantly against the Communist Pathet Lao and the North Vietnamese Army regulars in Laos during the Vietnam War. The United States relied heavily on the Lao-Hmong Special Guerrilla Units to engage in direct combat with North Vietnamese troops from 1960 to 1975. They conducted tactical guerrilla actions. The Lao-Hmong flew thousands of deadly combat missions to support our Armed Forces and the CIA. And they also fought in conventional and guerrilla combat clashes, suffering extreme casualties.

Although outnumbered, the Lao-Hmong fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail. They protected United States personnel, guarded our Air Force installations, gathered critical intelligence about enemy operations, and undertook rescue missions to save the lives of our downed pilots.

Mr. Speaker, this resolution notes that "Lao-Hmong" means "free people." The brave and loyal members of the Hmong tribe paid a steep price for defending their freedom and the democratic way of life. More than 35,000 were killed. Thousands more were seriously injured. Thousands were captured and sent to Communist concentration camps.

The suffering of the Lao-Hmong did not end with the war, because after the war, the Pathet Lao retaliated against the many Lao-Hmong soldiers, committing many atrocities against them. Many became refugees when they were driven from native Laos. About 170,000 or more Hmong now live here with us in the United States.

In 1995, the city council of Golden, Colorado, first established a special day to recognize the contributions of the Lao-Hmong. Since then, a number of State and local governments have also declared July 22 as Lao-Hmong Recognition Day. The Federal Government should recognize and support these efforts as well.

Mr. Speaker, my husband is a decorated Vietnam veteran. He was wounded in that war, so I come to this floor with a special gratitude for the sacrifices and the suffering that the Lao-Hmong endured because they supported the men and women of our military forces in Southeast Asia. As a Cuban American, I feel a special empathy for the pain inflicted on them because they fought against communism.

Mr. Speaker, I strongly urge all Members to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentlewoman from Florida (Ms. ROS-LEHTINEN) in support of this resolution expressing the sense of Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day.

Mr. Speaker, in the late 1960s, a Central Intelligence Agency agent known only as Colonel Billy, went into Laos to look for Vang Pao, a Hmong military leader. By the age of 18, Vang Pao had led two raids against the North Vietnamese forces that had penetrated into northern Laos. When Colonel Billy found Vang Pao, he asked him if the Hmong would be willing to help stop the Communist advance in Laos. It is reported that Vang Pao said, "For me, I cannot live with communism. I must either leave or fight. I prefer to fight."

Like Vang Pao, thousands of the Lao-Hmong fought against the Communist Pathet Lao and North Vietnamese Army in Laos. Known for their warrior tradition, loyalty and bravery, the Lao-Hmong Special Guerrilla Units engaged in direct combat with North Vietnamese troops from 1960 to 1975.

The Lao-Hmong conducted tactical guerrilla actions, flew thousands of deadly combat missions in support of the Armed Forces and the CIA, and fought in conventional and guerrilla combat clashes with extreme casualties.

Although outnumbered, the Lao-Hmong fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail. The Lao-Hmong protected United States

personnel, guarded United States Air Force installations, gathered critical intelligence about enemy operations, and undertook rescue missions to save the lives of downed United States pilots. More than 35,000 of the Lao-Hmong lost their lives defending the democratic way of life and many more were seriously injured and disabled.

H. Con. Res. 88 expresses the sense of Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day. Let us recognize the Lao-Hmong for their fight for freedom and democracy, a fight, yes, Mr. Speaker, that carries on unto this day.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the distinguished gentleman from Colorado (Mr. TANCREDI) for introducing this proclamation and for working so hard to ensure its passage. I also thank the chairman, the gentleman from Indiana (Mr. BURTON), from the Committee on Government Reform, and the ranking member, the gentleman from California (Mr. WAXMAN), for expediting consideration of this important resolution.

Mr. Speaker, it is very appropriate for Congress to pay tribute to the Lao-Hmong at this troubled time in our history. President Reagan referred to the United States as a "shining city on the hill" because it has been a beacon of freedom in a world that is largely unfree.

Honoring the Lao-Hmong reminds us in the long struggle against the evil of communism, many followed the light of that beacon. A diverse array of people around the globe stood shoulder to shoulder with the United States. They, too, paid the heavy price of freedom's defense that is often required.

Evil forces are again warring against the United States and all that we stand for. We have defeated evil before, and we will defeat it again; but we will not have to do it alone. As we found steadfast friends in the Lao-Hmong to fight with us against the evils of communism in Southeast Asia, we will also find steadfast friends among freedom-loving people around the world to stand with today. I ask all Members to support this resolution.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Colorado, Mr. TANCREDI, for crafting H. Con. Res. 88 a resolution expressing the sense of the Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day.

Mr. Speaker, the Hmong are a brave, loyal and gentle people who fought and died beside our soldiers and pilots during the Vietnam War. Once we packed up and went home many thousands of the Hmong were tortured and butchered by the Pathet Lao and Vietnamese for their steadfast loyalty and trust in us.

The Lao-Hmong conducted tactical guerrilla actions, flew thousands of deadly combat missions in support of the U.S. Armed Forces and the Central Intelligence Agency, and fought in conventional and guerrilla combat clashes. They suffered extreme casualties. In addition, the Lao-Hmong, although outnumbered, fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail.

More than 35,000 of the Lao-Hmong lost their lives defending the democratic way of life, and many more were seriously injured and disabled. We owe the Hmong a great deal. What they did for us should never be forgotten.

Accordingly proclaiming a National Lao-Hmong Recognition Day is the very least we can do to recognize their sacrifice and I urge my colleagues to fully support the resolution.

Mr. TANCREDI. Mr. Speaker, it is with great pride that I rise to thank and honor, Mr. Speaker, those who served with America to protect democracy in Southeast Asia. The commitment and sacrifice of the Lao-Hmong people should never be forgotten. The citations that will be presented will represent a collective thanks from all of us.

The Lao-Hmong, which means "free people," are Laotian members of the Hmong tribe and are noted for their warrior tradition, loyalty, and bravery. Beginning in 1960 the United States recruited thousands of the Lao-Hmong to fight against the Communist Pathet Lao and North Vietnamese Army regulars in Laos. The United States relied heavily on the Lao-Hmong Special Guerrilla Units to engage in direct combat with North Vietnamese troops from 1960 to 1975. The Lao-Hmong conducted tactical guerrilla actions, flew thousands of deadly combat missions in support of the Armed Forces and the Central Intelligence Agency, and fought in conventional and guerrilla combat clashes with extreme casualties. The Lao-Hmong, although outnumbered, fought against enemy forces to disrupt the flow of troops and war supplies along the Ho Chi Minh Trail.

The Lao-Hmong protected United States personnel, guarded United States Air Force radar installations, gathered critical intelligence about enemy operations, and undertook rescue missions to save the lives of downed United States pilots. More than 35,000 of the Lao-Hmong lost their lives defending the democratic way of life, and many more were seriously injured and disabled. Thousands of Lao-Hmong suffered grievous injuries and permanent disabilities, and thousands more were captured and sent to Communist concentration camps. After the conclusion of the war, many Lao-Hmong soldiers were the victims of acts of retribution and atrocities by the Pathet Lao, causing many of the Lao-Hmong to flee to neighboring Thailand and become refugees.

Beginning with the City Council of Golden, Colorado, in 1995, various state and local governments have issued proclamations declaring July 22 as Lao-Hmong Recognition Day. The issuance of a Presidential Proclamation supporting the goals of Lao-Hmong Recognition Day will recognize the bravery, sacrifice, and loyalty to the United States exhibited by the Lao-Hmong in Southeast Asia. I call on the American people today, Mr. Speaker, to recognize the service and sacrifice of the Lao-Hmong men and women with appropriate ceremonies and activities.

Mr. KIND. Mr. Speaker, I rise today in support of H. Con. Res. 88, expressing the sense of the Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day.

The United States owes a debt of gratitude to the Hmong veterans, and their families, who served as loyal and dedicated allies during the Vietnam conflict. Through their sacrifices, many American lives were saved in Southeast Asia, and our nation must remain committed to recognizing their service.

Over this past weekend, we honored those who served our nation through Veterans Day parades and celebrations around the country. Many Hmong, however, are not considered veterans by our government even though they participated in covert operations directed by the U.S. Central Intelligence Agency. Between 20,000 to 30,000 Hmong lost their lives during the war and more than 100,000 Hmong were forced to either flee or live in refugee camps. Presidential proclamation of a National Lao-Hmong Recognition Day will represent our resolve as a nation that the Hmong soldiers who fought for the freedom and liberty in Southeast Asia should be honored for their service.

This legislation is also important because it calls on the people of the United States to recognize not only the military service of Lao-Hmong veterans and their families, but to also recognize their valuable contribution to American society. Approximately 170,000 Hmong currently reside in the United States, including 35,000 in my home state of Wisconsin. Their cultural contribution to America's melting pot should be recognized, too, because it is through our diversity and understanding that our nation gains strength.

H. Con. Res. 88 represents America's gratitude to the Lao-Hmong for their sacrifices in defense of American values and freedoms, and I encourage my colleagues to support it.

Mr. KLECZKA. Mr. Speaker, I support H. Con. Res. 88, the National Lao-Hmong Recognition Day, and praise the proud heritage of the Lao-Hmong people who reside in my district and throughout the United States. The Hmong are originally an agrarian people that were scattered across parts of China, Laos, China, Thailand, and Vietnam. The Hmong that now reside in the United States came mainly from Laos as refugees following the Vietnam War.

During the Vietnam War, the Hmong were recruited by the CIA to provide the U.S. with reconnaissance and guerrilla-combat support for military actions in the country of Laos. They were so trusted and effective that they were relied upon to undertake rescue missions to save downed American pilots and protect our military installations. The Hmong are remembered by the Vietnam veterans that they fought beside as loyal, courageous fighters who prevented many American casualties.

Following the United States withdrawal from the region of Southeast Asia, the Hmong people were targeted for persecution by the communist Pathet Lao government in Laos, mainly due to the support they had provided our nation during the war. Many of the Hmong people recall this persecution of systematic imprisonment and killing, leaving them with awful memories of bloody violence and the deaths of loved ones.

To survive, the Hmong showed the same courage and tenacity as when they fought beside our soldiers, leaving their ancestral homelands for America and hoping to adapt to a

country, culture and language that bore no resemblance to their own. Before arriving in the U.S., the Hmong were a tribal society without a written language until the mid-20th century. Additionally, many of the Hmong were recruited to be guerrillas at the ages of 12–14 and hence did not attend school after that point. Since 1975, over 200,000 Hmong refugees have resettled in the U.S. Their adjustment to American society has been difficult, but with perseverance and determination the Hmong people have overcome and succeeded.

Last year, I cosponsored and the House passed legislation later enacted into law, which expedites the naturalization of the Hmong who served with special guerrilla units in Laos during the Vietnam war. Yet a comprehensive acknowledgment of the plight and indomitable will of the Hmong-Americans that reside in our country and community is needed. I strongly support this legislation encouraging the President to declare a National Lao-Hmong Recognition Day and calling on the American people to recognize the service and sacrifice of the Hmong people. It is proper for all that the Hmong have done, similar to countless other immigrant groups, as they add one more thread to the fabric of our American society and history.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 88, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing the sense of the Congress that the President should issue a proclamation to recognize the contribution of the Lao-Hmong in defending freedom and democracy and supporting the goals of Lao-Hmong Recognition Day."

A motion to reconsider was laid on the table.

CELEBRATING 300TH ANNIVERSARY OF WILLIAM PENN'S CHARTER OF PRIVILEGES, 250TH ANNIVERSARY OF THE LIBERTY BELL, AND 225TH ANNIVERSARY OF FIRST PUBLIC READING OF DECLARATION OF INDEPENDENCE

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 254) encouraging the people of the United States to celebrate the 300th anniversary of William Penn's Charter of Privileges, the 250th anniversary of the Liberty Bell, and the 225th anniversary of the first public reading of the Declaration of Independence.

The Clerk read as follows:

H. CON. RES. 254

Whereas William Penn was a distinguished statesman and a principled defender of human rights and religious liberties;

Whereas in 1701, William Penn wrote Charter of Privileges, which set a new standard for religious liberty that profoundly impacted the Nation's history and still provides an example for the world today;

Whereas religious freedom is still one of the most fragile liberties, and today, millions of people around the world are persecuted for their religious beliefs;

Whereas the year 2001 marks the 300th anniversary of the publication of Charter of Privileges;

Whereas the Liberty Bell was designed to commemorate the 50th anniversary of Charter of Privileges and is a powerful reminder of the Nation's commitment to freedom and justice;

Whereas the Liberty Bell became a defining symbol of the abolitionist movement, which sought to rid the Nation of slavery;

Whereas the year 2001 marks the 250th anniversary of the completion of the Liberty Bell; and

Whereas the year 2001 is also the 225th anniversary of the first public reading of the Declaration of Independence, which contains the immortal phrase: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) encourages the people of the United States to celebrate the 300th anniversary of William Penn's Charter of Privileges, the 250th anniversary of the Liberty Bell, and the 225th anniversary of the first public reading of the Declaration of Independence; and

(2) encourages the Nation's leaders to reaffirm their commitment to promoting human rights and religious freedom in the Nation and around the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. Ros-Lehtinen. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 254.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 254 today, and I commend my distinguished colleague, the gentleman from Pennsylvania (Mr. PITTS), for introducing this resolution and for working so hard to bring it to the floor.

House Concurrent Resolution 254 encourages the people of the United States to celebrate the anniversaries of three important events in the history of Pennsylvania and indeed in our Nation's history. This resolution also encourages our country's leaders to reaffirm our commitment to promoting human rights and religious freedom in the United States and around the world.

The year 2001 marks the anniversaries of three historic events which have profoundly influenced the principles upon which this great Nation was founded. It is the 300th anniversary of William Penn's "Charter of Privileges," the 250th anniversary of the completion of the Liberty Bell, and 225th anniversary of the first public reading of the Declaration of Independence.

William Penn, author of the Charter of Privileges, was a distinguished statesman and a principled defender of human rights and religious liberties. When William Penn wrote the Charter of Privileges in 1701, he set a new standard for religious liberty which impacted the Nation's history and still provides an example for the world today. Both the concepts underlying the "free exercise" and the "establishment" clauses of the First Amendment were embodied in that charter.

Moreover, Mr. Speaker, Mr. Penn felt so strongly about the importance of religious liberty that he guaranteed that this provision of the charter would remain inviolate forever because, in his words, "the happiness of mankind descends so much upon the enjoying of liberty of their consciences." This was the only provision so guaranteed.

The Liberty Bell was designed to commemorate the 50th anniversary of the Charter of Privileges. Later, the Liberty Bell became a defining symbol of the abolitionist movement, which sought to rid our Nation of slavery.

□ 1445

And to this day, Mr. Speaker, it remains one of the most recognized and most powerful reminders of our Nation's commitment to freedom and justice.

The Declaration of Independence has also been one of the most potent symbols of our commitment to liberty. Its first public reading marked the first public utterance of a phrase that has since been revered by Americans and freedom-loving people around the world: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights."

Mr. Speaker, I encourage all Members to vote for this important resolution. That vote will reaffirm our commitment to promoting human rights and religious freedom in the Nation and around the world, and it will encourage all Americans to reflect upon these important events.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, William Penn was a distinguished statesman and a principled defender of human rights and religious liberty. Born on October 14, 1644, to Anglican parents, William Penn converted to Quakerism after hearing the famous apostle Thomas Loe. He spent much of his time in prison for his radical

preaching for personal property and religious rights. In 1672, he wrote the concessions and agreements charter for a group of Quaker colonists who were settling in the newly acquired New Jersey. Among its provisions were the right to trial by jury, the freedom from arbitrary imprisonment for debt, and edict against capital punishment. Penn also strongly urged religious freedom, writing, and I quote, "No men hath power or authority to rule over men's consciences in religious matters."

Penn is more famously known, however, as the founder of Pennsylvania. He designed the city of Philadelphia as a rectangular gridiron with a center square that divided the city into four quadrants. Penn planned for the city's principal public buildings, the meeting house, school, and statehouse. His conception of Philadelphia has been characterized as one of the earliest attempts at utopian city planning and represented the most extensively preplanned American city at that time. I must confess, Mr. Speaker, that every time I visit Philadelphia, I am always amazed at the ideas and concepts that Penn had even at that time.

Penn's Charter of Privileges, which was Pennsylvania's original constitution, speaks of valuable rights and freedoms. In the charter, Penn ensured that no citizen would be discriminated against because of his or her faith, nor would any citizen be denied a role in civil government because of the expression of his or her faith. Penn recognized the role of religion in public life and affirmed its importance.

In 1751, 50 years after Penn wrote the Charter of Privileges, the Pennsylvania General Assembly commissioned a bell for the statehouse to commemorate the 50th anniversary of the charter. The bell was rung to call the citizens of Philadelphia to the first public reading of the Declaration of Independence and became known as the Liberty Bell as abolitionists adopted it as a symbol of their cause.

H. Con. Res. 254 encourages the people of the United States to celebrate the 300th anniversary of William Penn's Charter of Privileges, the 250th anniversary of the Liberty Bell and the 225th anniversary of the first public reading of the Declaration of Independence.

Given Penn's profound impact on religious liberty and this Nation's history, I urge all of my colleagues to support this resolution, as we shall always remember the words: "We hold these truths to be self-evident, that all men are created equal and endowed by their Creator with certain unalienable rights."

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am very proud to yield 5 minutes to the gentleman from Pennsylvania (Mr. PITTS), the author of this resolution.

Mr. PITTS. Mr. Speaker, I rise in support of H. Con. Res. 254 and to celebrate our American legacy of religious

liberty, to honor the 300th anniversary of Penn's Charter of Privileges, Pennsylvania's first constitution, the 250th anniversary of the Liberty Bell, and the 225th anniversary of the first public reading of the Declaration of Independence.

Mr. Speaker, the events of September 11 serve as a powerful reminder that religious faith is deeply embedded in the hearts of many Americans. In times of chaos and uncertainty, many Americans turn to religious faith to reestablish priorities and to gather strength for the days ahead.

Our Founding Fathers knew that our American experiment would only succeed if men and women acted in good faith. Our American way of life is based on the belief that people will do what is right instead of what is easy or convenient. But the Founders also believed that that would happen only for as long as we had faith in God. And so they encouraged religious expression.

William Penn was born in England on October 24, 1644, the son of a wealthy English admiral. He grew up in a time of tremendous tension between England, France and Spain and the New World. He assumed that he would become a soldier, and he did. But in 1681, after the death of his father, Penn was granted a tract of land from King Charles II that later became known as Pennsylvania. Penn called Pennsylvania a holy experiment, a place where religious freedom and religious faith would be celebrated. Penn believed that religious faith contributed to good government. Penn's beliefs about the role of religion in public life were clearly demonstrated in his Charter of Privileges in 1701.

As a result of Penn's emphasis on religious liberty, Pennsylvania, and particularly Philadelphia, became a haven for those who had been persecuted for their faith. In fact, Philadelphia was one of the only places in the English-speaking world where Roman Catholics could legally worship. A plaque on St. Joseph's Roman Catholic Church in Center City Philadelphia reads:

"In 1734, the provincial council of Philadelphia, defending the liberty of worship granted by William Penn to this colony, successfully withstood the demand of the governor of the province that this church be outlawed and such liberty suppressed."

"Thus was established permanently in our Nation the principle of religious freedom, which was later embodied into the Constitution of the United States of America."

Mr. Speaker, Americans of all faiths are indebted to William Penn's vision of religious pluralism. These days we seem to want to say that it does not matter what a person believes as long as he or she does not believe it very strongly. Well, Mr. Speaker, deep-seated religious faith and a commitment to moral absolutes served as the bedrock of the founding of our Nation. The abolitionist movement, the civil rights movement and the women's suffrage

movement all have their roots in religious faith and convictions. Those brave men and women fought diligently to ensure justice in our Nation. Those men and women were not merely invested in religious rhetoric. They earnestly believed that through their work, they were being faithful to God and His precepts.

Philadelphia's famous Liberty Bell was commissioned to honor the 50th anniversary of Penn's Charter of Privileges. The inscription on the Liberty Bell is a quotation from the Bible, the book of Leviticus: "Proclaim liberty through all the land to the inhabitants thereof."

And so, Mr. Speaker, we should not be embarrassed to speak about the religious faith of our forefathers or to speak about our own religious faith. There is nothing to be gained by rewriting history and editing out God or by emptying religious quotations or symbols of their original meaning. There is nothing to be gained from suppressing religious faith in public life.

But there is everything to be gained from working to maintain the kind of pluralistic spirit of William Penn. This spirit allows individuals to hold deep religious convictions, to defend those convictions, and even express those beliefs.

Mr. Speaker, we are all proud of our Nation's history. We recognize that religious bigotry is fundamentally un-American. Recently, I was deeply disturbed to learn that two Americans who own a diner in Ephrata, Pennsylvania, were singled out for discrimination because of their religious faith and ethnic background. They are Muslims and Egyptian Americans. These two men, owners of a local restaurant, were the subject of groundless rumors and speculation simply because one of them has Osma as his first name.

Religious bigotry is contrary to the spirit of the Declaration of Independence. In this country, we believe all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. The role of government is to allow the free expression of religion, not to hinder it. We tamper with religious freedom at our peril.

Mr. Speaker, over the past 2 months, many Americans have been faced with a type of uncertainty that they never thought possible. Yet this fear has caused them to reflect on what it means to be an American.

I urge my colleagues to support the freedoms that made our country great. Support H. Con. Res. 254.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 5 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I thank the gentlewoman for yielding time.

I rise in strong support of the religious liberty resolution, H. Con. Res. 254, celebrating the 300th anniversary of William Penn's Charter of Privileges and other historic items.

Mr. Speaker, three centuries ago, the Pennsylvania Charter of Privileges was enacted. You may be wondering why a son of Indiana is standing before you to recognize an event that took place in Pennsylvania. Very simply, the liberties we enjoy in the Hoosier State, I believe, were cultivated by this document, the Charter of Privileges from the Keystone State; and I rise in proud support of them.

Called the most famous of all colonial constitutions, the Charter of Privileges proved to be a major breakthrough in the history of government. This is because the charter had at its very core a liberty-of-conscience clause that granted religious liberty to the inhabitants of the Commonwealth of Pennsylvania. What is more, the charter's author, William Penn, ensured that this liberty clause, quote, "shall be kept and remain without alteration, inviolable forever." Other provisions of the charter could be changed by the will of the people, but not the liberty-of-conscience clause.

Mr. Speaker, this marked an enormously important advance in American liberties, one which should be celebrated as we do so today. As a result of this commitment to religious liberty, Pennsylvania, and especially the city of Philadelphia, became a haven for all religions. Historian Paul Johnson noted that Philadelphia in the 18th century was a bustling center of activity for people of every religious faith. Not coincidentally, Philadelphia also became the home to our Nation's very first independent African American denomination, the African Methodist Episcopal Church.

Mr. Speaker, today in any number of cities and towns across this great land of liberty, you will find dozens of religious denominations represented, even many sharing a street corner or even a building. I would offer that in 1701, such a scene would not likely have been repeated anywhere in the world except in colonial America, perhaps outside of Philadelphia, which was aptly named the City of Brotherly Love. And it was all a result of Pennsylvania's visionary Charter of Liberties.

For it is religious liberty, the freedom to worship the Creator after the dictates of one's own conscience, that provides the firm foundation for all liberties. Thus Thomas Jefferson wrote that all men were created equal and endowed by their Creator with unalienable and inviolable rights.

Mr. Speaker, I submit to you that it is religious liberty which gave birth to this Nation, to our unquenchable thirst for freedom, our unparalleled pursuit of innovation, our unyielding love for representative government, our unabashed sense of a higher national purpose, and our unprecedented tolerance of our fel-

low man. Each of these symbols that we celebrate today stands in broad opposition to the trends in the world that move in the opposite direction of tolerance.

Mr. Speaker, I simply could not let this moment pass without connecting the dots between this great event in American history and those we also celebrate, the commemoration of the Liberty Bell, the public reading of the Declaration, without reflecting on what we see in tragedies unfolding when religious liberties are forsaken around the globe. In Sudan, slavery and brutality arise out of religious persecution. Tens upon hundreds of thousands are on the brink of death because the Sudanese Government fails to recognize the liberty of conscience that was established in Pennsylvania on our shores 300 years ago. And in Afghanistan, a great religion has been twisted by some into one that supports persecution and violence and murder rather than freedom and transcendence, one that uses terrorism to stifle the voices of religious liberty.

□ 1500

The very shaving of the beards that is happening in the capital of Kabul today is in many ways driven by the same sentiment that emerged in the Charter of Privileges some 300 years ago.

I urge all of my colleagues to support the religious liberty resolution. I commend my colleague, the gentleman from Pennsylvania (Mr. PITTS), for his visionary commitment to religious liberty and for his own testimony of faith. Let us today reaffirm our commitment three centuries strong on this continent to the freedom of religion and continue to be that shining city on a hill that gives hope to all of the nations.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have no further requests for time, but I would say as I yield back the balance of my time that sometimes people ask me why this type of resolution is on the floor, and they are wondering what it really means.

I often will say to them, if you forget where you come from, then it is hard to understand how you got to where you are, and you really would never understand where you need to be going. So it is important that we look back and reflect upon the history and development of our Nation and continue to acknowledge and revere those things which have made America what it is today.

Madam Speaker, I congratulate the gentleman from Pennsylvania.

Madam Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am proud to yield 3 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Madam Speaker, I thank the gentlewoman for yielding me time.

Madam Speaker, to the Members, I want to say that I have a peculiar and unique interest in William Penn, in that after completion of junior high school, the high school I entered was aptly named for these proceedings, William Penn High School. It was then that I first learned of the life and work and significance of William Penn.

As a 14 year old, a wide new world of American history opened for me in the name of William Penn. Our school periodical was named *The Founder*; the yearbook was named *The Sylvania*, so "Pennsylvania." The founder of Pennsylvania and his woods, Penn's Woods, were always firmly ensconced in my educated mind at that point as very significant in American history.

Also I learned in my personal study of William Penn that ours was the only State, I say egotistically, that was named after its founder. The other States, for instance, Washington, the State of Washington was named after George Washington many years after he was President of the United States; Maryland was named after the Queen of Charles I; the Virginias were named honoring Queen Elizabeth; the Carolinas were named after King Charles; Georgia was named after King George; Louisiana was named after King Louis; New York was named after the Duke of York; and Delaware was named after the first Governor of Virginia, Lord de la Warr. All the rest of the States were named after Indian tribes or Indian phrases or Indian words, thus forming the blend that we are so proud of in our country. But Pennsylvania was the only one which honored its founder.

Those principles which have been so well enunciated on both sides of the aisle in commemoration of the day which we seek to honor in this resolution aptly have put forth the real rectitude of having this resolution.

One other little anecdote: The 4th of July, 1776, Declaration of Independence did not reach the capital of Pennsylvania, Harrisburg, until 10 days after the declaration, around July 10th, 11th, 12th or 14th. When it reached there, the founder of Harrisburg, John Harris, convened the entire town to come before him on River Front in Harrisburg, at a mansion which still stands, to read the Declaration of Independence as it was transmitted to him from Philadelphia. Thus, the founder of Harrisburg, who always revered the founder of Pennsylvania, helped found the principles of our country by spreading the word of the Declaration of Independence.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I speak as a former resident of the State of Pennsylvania. When Cuban refugees first started coming over to the United States, there were no jobs in Miami, Florida. The Federal Government had a refugee resettlement program, and we were fortunate enough to be resettled in a town in Pennsylvania called York. My brother and I were very much in love with

York, Pennsylvania. It was our first taste of snow. Coming from Havana, we did not get too much of that.

On the weekends, when we could put together the little pennies we had, I remember taking weekend trips with my parents, where we got to see the many historic sites that Pennsylvania had to offer. For me, Pennsylvania will always be just like this wonderful city, and New York also, symbolic images of the freedom and democracy and the liberty that we enjoy so much in our country, and we sometimes take for granted.

I again commend the distinguished gentleman from Pennsylvania (Mr. PITTS) for introducing this important proclamation and for working hard to ensure its passage. In light of the challenges facing our Nation today, Madam Speaker, it is certainly appropriate in this time for Congress to reaffirm our commitment to religious liberty and human rights, and it is certainly an appropriate time for all of us as Americans to reflect upon the principles underlying each of these three important historical symbols of our democracy.

Madam Speaker, I urge all Members to support this resolution.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 254.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL WORDS CAN HEAL DAY

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 235) expressing the sense of the House of Representatives regarding the establishment of a National Words Can Heal Day, as amended.

The Clerk read as follows:

H. RES. 235

Whereas the Jerusalem Fund has launched a Words Can Heal Campaign on September 4, 2001, to reduce verbal violence and gossip and to promote the value and practice of ethical speech in order to improve our democracy, build mutual respect, honor, and dignity in our country;

Whereas words used unfairly, whether expressed through excessive anger, unfair criticism, public and private humiliation, bigoted comments, cruel jokes, or rumors and malicious gossip, can traumatize and damage many lives;

Whereas an unwillingness or inability of many parents to control what they say when angry causes the infliction of potentially damaging verbal abuse on many children;

Whereas bigoted words are often used to dehumanize entire religious, racial, and ethnic groups, and can inflame hostility;

Whereas the spreading of negative and often unfair, untrue, or exaggerated com-

ments or rumors about others often inflicts irrevocable damage on the victim of such rumors;

Whereas the Words Can Heal Campaign will raise awareness regarding the damage that can be caused by destructive language; and

Whereas the House of Representatives supports the goals of the Words Can Heal Campaign: Now, therefore be it

Resolved, That it is the sense of the House of Representatives that—

(1) the House of Representatives supports the goals of the Words Can Heal Campaign; and

(2) the President should issue a proclamation calling on the people of the United States to support the goals of such campaign with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 235.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Words Can Heal Campaign, sponsored by the Jerusalem Fund, is a visionary national media and educational campaign designed to reduce verbal violence and gossip. The goal of the campaign is to promote the value and the practice of ethical speech in order to improve our democracy and to build mutual respect, honor and dignity to our country.

The Words Can Heal Campaign launched a media campaign on September 4, 2001, right here in our Nation's Capital. The campaign includes posters in D.C. Metro stations and bus shelters. It includes advertisements in newspapers, such as Roll Call, and publications such as the National Journal, Congressional Quarterly, and television ads on all major networks.

The campaign also includes educational modules for use in schools, in companies, community centers, government offices, houses of worship, every building throughout the Nation. We can all practice and participate in this initiative to improve our society and make a difference in the lives of millions of Americans, one word at a time.

In the aftermath of the tragedy of September 11, the Words Can Heal Campaign is now more important than ever. We must all be committed to unite and strengthen America through the power of words.

Each and every one of us have been touched by the events of September 11, and we as Americans have pulled together as a country to show our true

colors. Americans reached out to each other with kind words and helping hands. We embraced each other with words of comfort. And through these difficult days, we as a country have come together in fellowship with expressions of kindness and caring.

As we work our way back to normalcy, let us continue the outpouring of concern that we have shown each other. We should have a new Golden Rule: Say unto others as you would want said unto you.

Mother Teresa once said, "Kind words can be short and easy to speak, but their echoes are truly endless." Her words capture the essence of the Words Can Heal Campaign. Words are powerful. Words can build love, or they can destroy it. Words can be encouraging, or damaging.

We must choose what we say carefully because we cannot take back our words. Once something is said, it can never be erased. We have all said something which later we have wished that we could take back. The Words Can Heal Pledge is one way to avoid that terrible feeling when you regret what you have said.

It says, "I pledge to think more about the words that I use. I will try to replace words that hurt with words that encourage, engage and enrich. I will try to see how gossip hurts people, including myself, and work to eliminate it from my life. I will not become discouraged when I am unable to choose words perfectly, because making the world a better place is hard work. And I am helping to do that, one word at a time."

The Words Can Heal Pledge helps us to remember what someone says to you can change your entire day.

Words are contagious. A friendly "hello" can spread from one colleague to another, from one brother to sister, one friend to another, from a stranger to a stranger. We must work to avoid harsh words and gossip which makes everyone feel badly.

We can all play a role in this undertaking to improve our society and make a difference in the lives of millions of Americans. Our ability to voice views freely and resolve differences through dialogue and persuasion is fundamental to our American system of democracy, and for that process to work, our words must reflect mutual respect, truth and fairness.

As our dialogue in Congress needs to be civil and ethical, so do communications throughout society.

Please join me in support of the Jerusalem Fund's Words Can Heal Campaign, along with the Executive Director of the Words Can Heal Campaign, Rabbi Irwin Katsof, whom I had the opportunity to meet along with my husband and children in our trip to Jerusalem and Tel Aviv this August, and Rabbi Chaim Feld; also President and CEO of the IAC Group, Ana Maria Fernandez Haar; Senior Fellow of Foreign and Defense Policy Studies, Dr. Jeane Kirkpatrick; New York Mayor

Rudolph Giuliani; and Chairman and CEO of Radio Unica, Joaquin Blaya. Both Joaquin Blaya and Ana Maria Fernandez Haar joined Rabbi Katsof and my family on our trip to Israel this summer.

We congratulate and thank all of the cosponsors of House Resolution 235, because now, more than ever, words are vital to the American community.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this resolution is somewhat unusual, but I want to congratulate the gentlewoman from Florida for having the insight and the feeling and the sensitivity and the recognition that sometimes behavior can be taught and that we can move in the direction that we choose to go.

This resolution, which expresses the sense of Congress regarding a National Words Can Heal Day, seeks to reduce verbal violence and gossip. Imagine, if we could reduce gossip, then obviously that would help to reduce verbal violence. The goal of this effort is to promote the value and practice of ethical speech in order to improve our democracy, build respect, honor and dignity in our country.

□ 1515

The essence of this campaign, which was launched on Tuesday, September 4, right here in Washington, D.C., is reflected in this simple pledge: "I pledge to think more about the words I use. I will try to see how gossip hurts people, including myself, and work to eliminate it from my life. I will try to replace words that hurt with words that encourage, engage, and enrich. I will not become discouraged when I am unable to choose words perfectly, because making the world a better place is hard work. I am pledging to do that one word at a time."

We can all play a role in this effort to improve our society and make a difference in our homes, our schools, our communities, and in the workplace by taking this pledge.

As I read through it, I could not help but recall the teachings of my mother, who always told us that you can catch far more bees with honey than with vinegar. Or she might say, see no evil, hear no evil, speak no evil. Or she might admonish us to speak about others as we would have them speak of us. Then she would force us to read the book of Proverbs, with all of the wisdom that it contains. So it seems to me that the gentlewoman from Florida (Ms. ROS-LEHTINEN) has taken those kinds of teachings and expressions, placed them into a resolution that all Members of this body can adopt; and I would urge my colleagues to take this pledge and, in doing so, support this resolution.

Madam Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself the balance of my time.

I want to thank the executive directors of the Words Can Heal Campaign, Rabbi Irwin Katsof and Rabbi Chaim Feld, whom I had the pleasure of knowing during my trip to Israel. When they first came to me and showed me their Words Can Heal Campaign pledge, I said that I wanted to get involved in a meaningful way and I thought of this resolution as a way to do it, because words can make a difference, and that is the pledge that we make one word at a time.

In the aftermath of the September 11 terrorist attacks against the United States, we have borne witness to the ability of words to help in the healing process, as friends and allies offered their condolences and their support to our efforts. We have also felt the brunt of the verbal attacks by enemies of the United States who rejoice in the violence perpetrated against us.

Words matter. The ability to voice views freely and resolve differences through dialogue and persuasion is fundamental to our American style of government and our democracy, as it is to world peace. To reiterate, for that process to work well, our words must reflect mutual respect, truth, understanding, and fairness.

The Words Can Heal effort is a strong first step toward a future generation of Americans and global leaders who will value the power of words and practice ethical speech. It starts with one day. This one day can then become a week, a month, a year, until it is ingrained in our character, in our nature, in our human nature. The potential is limitless. The possibilities are awe-inspiring.

Madam Speaker, I ask my colleagues to support this resolution. The hope for a better future begins today, one word at a time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 235, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution expressing the sense of the House of Representatives in support of the goals of the Words Can Heal Campaign".

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT MEN AND WOMEN OF UNITED STATES POSTAL SERVICE HAVE DONE AN OUTSTANDING JOB OF DELIVERING THE MAIL DURING THIS TIME OF NATIONAL EMERGENCY

Mr. McHUGH. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 257) expressing the sense of the Con-

gress that the men and women of the United States Postal Service have done an outstanding job of delivering the mail during this time of national emergency, as amended.

The Clerk read as follows:

H. CON. RES. 257

Whereas, on September 11, 2001, evil acts of terrorism were perpetrated against the people of the United States and all humanity;

Whereas, in October 2001, reports of anthrax-tainted letters began to surface;

Whereas the United States Postal Service handles approximately 680,000,000 pieces of mail each day;

Whereas our Nation's postal and delivery sector accounts for approximately 8 percent of our gross national product;

Whereas, since September 11, 2001, the United States Postal Service has delivered more than 20,000,000,000 pieces of mail;

Whereas 2 employees of the United States Postal Service have died as a result of anthrax infection;

Whereas a number of employees of the United States Postal Service are being treated for anthrax-like symptoms;

Whereas the more than 800,000 men and women who work for the United States Postal Service have done an outstanding job of collecting, processing, sorting, and delivering the mail during this time of national emergency; and

Whereas the delivery of anthrax through the mail is an attempt to disrupt our ability to communicate through the mail, and threatens the viability of the postal system: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that the men and women of the United States Postal Service have done an outstanding job of collecting, processing, sorting, and delivering the mail during this time of national emergency; and

(2) Congress will work with the United States Postal Service to assure the safety and well-being of postal workers as they carry out their duties and responsibilities, and of the general public.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

GENERAL LEAVE

Mr. McHUGH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McHUGH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Con. Res. 257, as introduced by the gentleman from Illinois (Mr. DAVIS), expresses the sense of Congress that the men and women of the United States Postal Service have done an outstanding job delivering the mail during this time of national emergency. I am very, very pleased, as I know the gentleman from Illinois is, that 47 of our colleagues here in the

House have cosponsored this resolution, signifying a broad base of support and recognition of the great sacrifices and contributions that these people make, certainly in recent weeks but, in point of fact, each and every day. We are amending this bill this afternoon, Madam Speaker, with a clarifying change in order to recognize all aspects of the postal system such as collection, processing, sorting, as well as delivery.

Let me begin by complimenting again the gentleman from Illinois (Mr. DAVIS). I deeply appreciate his leadership, his understanding of the very appropriate nature of moving forward with this resolution at this time. Let me note as well that it is not just appropriate, but I think it is also very fitting, that the House consider this resolution honoring the dedicated people of the Postal Service in this, the same week as we have celebrated and observed our national holiday on Veterans' Day.

As they have literally for centuries, postal employees today are putting their lives on the line each and every day for those of us in America. It is their commitment to this job that is ensuring our Nation can continue to communicate through these difficult times by way of the mail. We as a House grieve for the Postal Service, which lost 2 of its own dedicated, devoted employees to inhaled anthrax, resulting from the bioterrorism attacks of recent days. Postal workers Thomas Morris and Joseph Curseen truly died in the line of duty, and I know we all join in expressing our most heartfelt sympathy and deepest words of appreciation to their families and to their loved ones in this time of great loss for them.

From the days of Ben Franklin to the high speeds of the information highway, the Postal Service has touched the lives of each of us, whether at home or at work, nearly every day of the week. Postal employees maintain an important presence in our busiest urban centers as well as our most tranquil rural communities. They are the friendly faces that deliver that special birthday card, the newest magazine or, quite often, the credit card bill. Yet, many of us, Madam Speaker, fail to realize how important postal workers are in our daily lives, in our daily experiences, until someone or something interferes with that centuries' old system.

Despite the terrorist attacks, the mail handlers, clerks, carriers, supervisors, and postmasters have delivered more than 20 billion pieces of mail since the terrorist attacks of September 11. A recent postal and delivery industry report found that an \$871 billion global business of mailing service providers has been built around the mail. Ninety percent of that money is earned in the United States or by U.S.-based organizations. This industry, taken collectively, has almost 9 million employees. Based on these statistics, the total mailing sector is roughly

8 percent of America's gross national product. Just in my State of New York alone, the annual mailing industry impact totals some \$64.7 billion.

Yet, in spite of this enormous impact and of the continuing outstanding service to our Nation provided by postal employees, we would be negligent if we did not recognize that the Postal Service is facing a worsening financial position, threatening its very viability. Even before September 11, the Comptroller General had placed the Postal Service on its high-risk list due to its financial and operational problems. The Postal Service is facing a \$1.8 billion deficit now, on top of the \$1.35 billion estimated deficit it ran in the fiscal year that just ended. Revenues were below projections by \$627 million in the last 2 months alone. Mail volumes are down by levels not seen since the Great Depression.

I know, Madam Speaker, that the Postal Service and its administration is resolute in meeting its challenges, as its employees that we have gathered here to honor and commemorate demonstrate to us each and every day. However, in my opinion, Madam Speaker, without modernizing our Nation's 31-year-old postal laws, the men and women of the Postal Service will have far too few tools to confront a growing challenge. The Postal Service is already requesting billions of dollars in Congress to deal with the crisis; but absent legislative change, the agency will likely have to return for ever-increasing taxpayer assistance.

As President Vincent Sombrotto of the National Association of Letter Carriers recently stated, "If this whole institution collapses, that is as great a threat to the individuals who work in the Postal Service as contracting this anthrax. Their future is at stake."

That is why at this moment when we honor and recognize the Nation's postal employees, I am very pleased to note the work that the gentleman from Illinois (Mr. DAVIS); the gentleman from Indiana (Mr. BURTON), the chairman of the full committee; the gentleman from California (Mr. WAXMAN), the ranking member, and others, including myself, have undertaken to try to produce a substantive draft bill to reform the Postal Service. I know the gentleman from Illinois (Mr. DAVIS) shares my commitment to the men and women of the Postal Service, that we in the Congress must do everything necessary to ensure their safety and well-being as they carry out their duties and responsibilities, particularly in this time of national emergency.

Madam Speaker, I look forward to working with the gentleman from Illinois and many others to help enact postal reform. It seems to me the Postal Service, its 800,000 dedicated employees, and the 281 million Americans who depend on universal service at affordable rates, are depending on us. Fortunately, as has existed from its founding days, the Postal Service has at its core men and women who each day make

the mail work and move it to our homes, to our businesses in ways that far too often we take for granted.

So, Madam Speaker, I certainly urge all of our colleagues to support this resolution with amendments to honor the men and women of the Postal Service who, as I have said, do such an incredible job in making sure that the mail arrives on time to its addresses across this great Nation.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to have introduced this resolution with the gentleman from New York (Mr. McHUGH), and I also want to take this opportunity and this moment to commend him for his leadership as he labored as chairman of the Postal Subcommittee before its dissolution and continues to be a leading voice for postal reform. Hopefully, as a result of his efforts and the efforts of others, we will soon see a postal bill that all Members of Congress can take a hard look at and move us in the direction that the Postal Service really needs to go.

□ 1530

I also want to thank the gentleman from Indiana (Chairman BURTON); the ranking member, the gentleman from California (Mr. WAXMAN); the majority leader, the gentleman from Texas (Mr. ARMEY); and the minority leader, the gentleman from Missouri (Mr. GEPHARDT), for expediting consideration of this resolution.

The resolution before us today simply honors the men and women of the United States Postal Service for the outstanding manner in which they have carried out their duties since the terrorist attacks of September 11.

Even though we talk about September 11, we can never forget that the Postal Service has kept America connected since the early days of the Pony Express.

The United States Postal Service is a critical element of the Nation's infrastructure. It is the linchpin in the \$900 billion mailing industry that employs 9 million people and is responsible for 8 percent of the gross domestic product.

Members of the Postal Service visit our homes in rural and urban America 6 days a week. Through rain, sleet, snow, hot weather, shiny weather, they are always there. They deliver for us.

The 800,000-plus men and women of the Postal Service are on the front lines of promoting freedom and democracy by binding our Nation together through an elaborate network that touches six major markets: retail, financial services, communications, advertising, logistics, and delivery services. They deliver for us.

The men and women of the Postal Service handle approximately 680 million pieces of mail each day. The Postal Service fuels the Nation's economy and delivers hundreds of millions of

messages and billions of dollars of financial transactions each day to more than 8 million businesses.

Since the terrorist attacks of September 11, Americans and especially postal workers have been confronted with a new enemy, a new challenge: anthrax. Enemies are seeking to disrupt our communications system by sending anthrax through the mail. The men and women of the Postal Service have continued to deliver in spite of this threat and the actuality of its being.

Since September 11, the Postal Service has delivered about 34 billion pieces of mail. That is about five pieces for each person on Earth. They continue to deliver.

Unfortunately, anthrax has touched the lives of some of our Nation's postal workers in a mighty and profound way. To the families of Thomas Morris, Jr., and Mr. Joseph Curseen, postal workers at the Brentwood Postal Facility who died as a result of anthrax infection, our hearts go out to them; and our prayers and gratitude are with them and their families. These two postal workers, as well as thousands and thousands of others, shall never be forgotten.

I want to personally salute the more than 5,000 postal workers from the Seventh Congressional District in Illinois. Moreover, I urge all Members and all Americans to take time out to thank the men and women of the United States Postal Service, because they deliver for us.

I also want to commend the American Postal Workers Union, the largest postal union, representing approximately 365,000 postal workers, and its newly elected president, Mr. William Burris, for seeking to honor the memory of their deceased brothers.

The American Postal Workers Union has designated this week, the week of the Veterans' Day observance, as a time to properly acknowledge that postal workers are heroes, too. The resolution says it is time for us to deliver for the men and women of the post office, and the best way we can possibly do that is by looking at the needs, in a very serious way, of our postal system; by making sure that we provide resources that are needed to make sure that the workplace is safe; and to make sure that men and women who work every day handling the mail can do so without the fear of infection or possibly death.

So we say to the postal workers of America, we say that we want to thank them for the work they have done, the work they continue to do. Because of them, America continues to be strong and vibrant and continues to be the great democracy that we know it is.

Madam Speaker, I reserve the balance of my time.

Mr. MCHUGH. Madam Speaker, I have the privilege of yielding 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA), someone who, certainly by experience and dedication, is a senior member of the Committee on

Government Reform, and someone who has deservedly earned a reputation as a fierce defender of government employees in all branches, in all agencies; and certainly the Postal Service is among them.

Mrs. MORELLA. Madam Speaker, I thank the gentleman for yielding time to me and for his very kind introduction.

Madam Speaker, I rise today in support of expressing our gratitude for postal workers that have done such an outstanding job of delivering mail during this time of national emergency.

I do want to commend the gentleman from Illinois (Mr. DAVIS) and the gentleman from New York (Mr. MCHUGH). They have both worked very, very hard to make sure that our postal system is solvent. I commend them for that.

Indeed, with regard to this resolution, the Nation's postal workers provide a valuable service to Americans by helping to connect our society through the careful and prompt delivery of mail.

Today, more than ever, postal workers are being recognized for their selfless service of delivering the Nation's mail under all circumstances. This includes the usual weather conditions that we have always associated with the Postal Service in the past. We have all said, "Through wind and rain, sleet and snow," but now, for the first time, it is through safety threats against postal workers.

In October, as reports of anthrax-tainted letters began to surface, postal workers' lives were placed in jeopardy and the effective delivery of mail was threatened. Recognizing the importance of the Postal Service through this legislation can help to demonstrate our support and concern for the safety of postal workers as they perform their duties.

The anthrax threat has affected America deeply. Tragically, this has included the deaths of Joseph Curseen and Thomas Morris right here in Washington, D.C. at the Brentwood facility, who were killed in the line of duty. Thousands of other postal workers nationwide have been affected as they have been encouraged to visit hospitals to receive their precautionary antibiotic treatments against anthrax.

Also, the delivery of mail has been disrupted because mail processing facilities were temporarily shut down while postal workers were tested and facilities decontaminated.

The U.S. mail is a vital part of life in America. The Postal Service delivers 680 million pieces of mail daily. The anthrax threat may have disrupted mail service, but postal workers have persevered by delivering over 20 million pieces of mail since the September 11 attacks.

I support the efforts being taken to protect the lives of all the 800,000 men and women who work for the postal service in 38,000 offices, stations, and branches throughout the Nation. These efforts include increased communica-

tion and education of postal workers about anthrax, safety measures in handling mail, and the use of protective equipment.

Our postal workers deserve our support in assuring their safety and well-being as they carry out their duties and responsibilities for us. Also, this will help restore Americans' faith in our Postal Service.

Therefore, I urge all Members of this body to support this legislation that expresses our gratitude and concern for the safety of the men and women of the United States Postal Service, who have done such an outstanding job of delivering the mail during this time of national emergency.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I agree with President Bush and all of those who have referred to the postal workers at the Brentwood station as heroes.

Madam Speaker, I yield 4 minutes to the gentlewoman from Washington, D.C. (Ms. NORTON), who represents her constituents, as well as representing the rest of the Nation, in an outstanding and impeccable way.

Ms. NORTON. Madam Speaker, I thank the gentleman for his words and for his initiative on this resolution. It is the kind of initiative he has consistently shown since he has been a Member of Congress, and I appreciate the hard work of the gentleman from New York (Mr. MCHUGH). I bring both Members the appreciation of the residents of the District of Columbia, in particular.

I have just come from the official Postal Service memorial for two brave and dedicated postal workers who died while getting anthrax at our own Brentwood Post Office. The postmaster was there, the homeland security Secretary was there, All Souls Unitarian Church was full of postal workers, and Members of Congress spoke.

But Madam Speaker, the most touching words, the most profound statements, came from two men who knew the two postal workers, Joseph Curseen and Thomas Morris. They told us they were strong Christian men and dedicated postal workers.

I read from the resolution before us today that the postal workers had done an outstanding job of delivering mail during this time of national emergency because I knew that the postal workers, there were so many of them there, would appreciate knowing Congress recognized their service during this time, and especially after two of their number had been among the first to fall in the homeland war.

But I believe, Madam Speaker, that they especially appreciated section 2 of this resolution, which says, in so many words, that Congress will work with the Postal Service to assure the safety and well-being of our postal workers.

Let me say how much I appreciate the efforts being taken already. The Postal Service has found an alternative

site to Brentwood. We need to speed, and we are already about finding ways to assure the safety of postal workers and to protect people who receive mail. As Members might imagine, there is particular anxiety in this city about that. Whatever it takes, we simply must do.

I want to bring to the Members' attention an experience I had. I was on my race walk on Capitol Hill, where I live, on Saturday; and I saw a postal worker beside his postal truck. I did what I am sure everybody does: I stopped to shake his hand and to say thank you.

He said he was pleased that I took the time to do that; but he stopped to say to me, Congresswoman, we still do not have a labor contract. Madam Speaker, the National Association of Letter Carriers, the National Association of Rural Letter Carriers, and the American Postal Workers are working now without a contract.

I have to tell the Members today, as we sat there with an overload of postal workers, they are not happy campers. They are frustrated workers. I know this resolution is much appreciated and certainly much deserved.

The victims compensation amendment, which the gentleman from Missouri (Mr. GEPHARDT), our leader, introduced, and I am an original cosponsor, making it so victims of anthrax may also benefit from the Victims Compensation Fund, that is all very important. It is the kind of thoughtfulness this Congress has shown throughout this crisis since September 11.

But Madam Speaker, all the memorials in the world, all the resolutions, and even this very important one, and even the funds, as well placed as they are, cannot do what a finished contract would do for these workers.

The Postal Service is in a lot of trouble itself, so I understand why there are tough negotiations. Even given that, the Postal Service would go far in encouraging postal workers today, who still work at some risk, and we still cannot entirely guarantee their safety and security, we would go far if we would implement this resolution, because we may need to do so with funds, with a way to help them sign their contract before Christmas. That would be one way to do something for these hundreds of thousands of workers. If I may say so, perhaps it would be the most important way to do something for them.

Mr. MCHUGH. Madam Speaker, it is my pleasure to yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), who serves in this House as chairman of the Committee on Veterans Affairs; but in the context of this particular resolution, he has the honor of representing Trenton, New Jersey, which is home to the postal facility at Trenton, the processing and delivering center; and he has known firsthand the challenges that the threat of the current situation facing postal employees has wrought.

I want to commend the gentleman for what I know has been his personal attention, his personal visits to that facility in this time of great need, to be as supportive as he possibly could. It is the kind of dedication that he brings to all facets of his service.

□ 1545

Mr. SMITH of New Jersey. Madam Speaker, I want to thank the gentleman from New York (Mr. MCHUGH) for his courtesy and for his excellent service on the committee and in the Congress, and I want to thank the gentleman from Illinois (Mr. DAVIS) for offering this important resolution.

It is extremely important that we recognize the tremendous service of our postal employees, especially in this time of national emergency. Equally important, as the second clause, and resolving clause, points out, we will work with the U.S. Postal Service to assure the safety and well-being of postal workers as they carry out their duties and responsibilities to the general public.

Certainly the challenge we face now is to ensure that every piece of mail that goes through the system, is guaranteed to be pristine and clean. This will take a considerable purchase, procurement of the kind of detectors that exist, they are off the shelf. We need to be willing to make that kind of payment to ensure that every letter carrier, every postal worker and everyone who works within the system and everyone who gets mail is not going to become contaminated.

We certainly know firsthand what that is all about in Mercer County, in central New Jersey, Hamilton and Trenton. In Hamilton, the John K. Rafferty postal facility on Route 130 was shut down and continues to be shut down. There have been seven people affected by anthrax in my state. One was not a postal worker, but she worked in the building complex where my district office is located. Thankfully, they have all made great recoveries because of the marvels of antibiotics and Cipro in particular.

Again, I think by recognizing that they are on the front line, we need to put postal workers on a pedestal and thank them from the bottom of our hearts for their courage and their commitment to public service during these very trying times.

I would point out that Vito Cetta, who is the postmaster in charge of the central Jersey area, and Joe Sautello have done marvelous jobs. Yes, there has been second guessing from time to time. When do you close? When do you keep a facility open? When do you test? We were pushing very hard that all of the 44 different feeder sites of the main facility be tested. Lo and behold, when they did the testing, four of those sites suffered from cross-contamination, which we will all recall CDC and others said at the onset cannot happen. Well, it did, and there were areas and perhaps even people who were contaminated.

Let me also thank Tony DiStefano, who heads up the letter carriers union. I met with Tony many times during this crisis, obviously many times before. He and the letter carriers have been tenacious. They want to deliver the mail, they want to do their jobs, but they want to do it in a way that mitigates and hopefully eliminates the possibility of contamination.

Bill Lewis from the APWU has also done a great job under very, very trying circumstances. But they want to do their jobs. They want to be on the job because they know the mail moves the country. Our economy is absolutely dependent upon the work they do.

Finally, I want to say I have a bill pending before the Committee on Financial Services that I hope will move quickly. Many people have not received their bills, and often when they sent in their checks, their remittances, they were held up getting to their Visa, credit card or mortgage company. This bill would establish a grace period of 30 days. Our hope is that this might be done voluntarily, but there are going to be big gaps. So hopefully this legislation will move very quickly so that we can ensure that people's credit histories are not penalized and that the finance charges are not levied against them.

We have learned a lot from this. Again, I want to conclude by saying that Postmaster General Potter has been vigilant. He deserves high praise as well. He has convened his own group to meet, to figure out what the protocols ought to be when opening and closing postal facilities. They are literally writing the book as they go, day in and day out. I want to commend him for the job he is doing.

Madam Speaker, I thank my friend for yielding me time.

Mr. DAVIS of Illinois. Madam Speaker, I yield 4 minutes to the distinguished gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Madam Speaker, I am proud to be one of the 47 cosponsors of this resolution honoring our Nation's postal workers.

I would like to thank the gentleman from Illinois (Mr. DAVIS) for drafting this resolution, as well as the gentleman from New York (Mr. MCHUGH) for his support.

I grew up in the post office. My mother worked for the Postal Service in Los Angeles at the Old Terminal Annex for 3 decades. And as a working parent, one could say that she raised my sisters, my brother and myself there. I myself worked there for seven Christmas seasons, sorting the Christmas mail.

My mother worked hard for the post office, as do all the other postal workers who each day labor to keep millions of letters, checks, cards, packages, and even bills moving around our country. These hard-working Americans provide a vital link for each and every community across our country, across our world, no matter how remote.

One irony of the Information Age is that it has made us more dependent on the mail. There has to be some way to get packages we order over the World Wide Web; and the Postal Service has seen their duties expanded with the expansion of the Internet. It should come as no surprise then that postal workers would be on the front lines, exposed to a bioterrorist threat that tried to exploit our society's infrastructure for the free exchange of information.

What is surprising and galling is that it took so long for the authorities to respond to the threat that anthrax posed to our postal workers. When anthrax was discovered on Capitol Hill, Congress moved quickly to seal off the impacted buildings and protect ourselves and our staff. It pains me that the authorities failed to act in a similar manner to protect the postal workers who faced an even greater threat of exposure. It took the death of postal worker Thomas Morris, Jr. for postal officials and law enforcement to acknowledge that they had failed to respond in time to the threat anthrax posed to Postal Service employees.

The debate in this resolution is not the forum to analyze what went wrong to lead to the unnecessary deaths of Thomas Morris and the others, or the dangerous exposure of his colleagues to anthrax. However, I hope that this is an opportunity to celebrate the contributions of American postal workers, and I hope that with our greater awareness of their roles comes a renewed commitment to provide for their safety.

Madam Speaker, one might remember and recall that I dedicated a post office in the 32nd district to our late Congressman Julian Dixon. I think he would be very proud of the work that is being done here with the gentleman from Illinois (Mr. DAVIS) and the gentleman from New York (Mr. McHUGH) and all of the other colleagues of Congress to recognize our committed, loyal and dedicated postal workers.

Mr. McHUGH. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman for his leadership on this issue, and the leadership of the majority, as well, on this very important issue.

So many of us live with our Postal Service workers as neighbors. They are our friends. They are community activists. They help support our community. And I applaud this resolution to acknowledge the work that they have done through the years.

In Houston, my postal workers every holiday season gather to collect food goods and gifts to give to the needy in our community. We have gone through a terrible and tragic time. But I was gratified in visiting the postal workers at the Franklin Street Station in Houston, one of the largest centers in

Houston, and to hear both their concern as I toured their facility in the early stages of the impact of the anthrax threat, but also hearing their commitment to service to the American people.

I too have worked for the U.S. Postal Service. It was always the commitment of the Postal Service, I recall, as a person growing up, rain or shine, the mail would go; and I recall working during the holiday season to ensure that that would happen. It is tragic that we lost two valiant lives, men that were on the front line serving their country and serving the American public.

I want to say to the postal workers that as the tragedy occurred, let us make a commitment to you, that we will not fail you again. I believe that part of the tragedy was because of the lack of information and knowledge in the public health system about how anthrax was able to travel. We believed it was through an open envelope, and the envelope was opened in the Hart Building. But those mistakes should never be made ever again.

I offer my deepest apologies and sympathy to those who lost their lives and their families. But it is now important for us to join together with the U.S. Postal Service in making sure that every employee has every protection that they desire and deserve. If it is rubber gloves and a right kind of facial mask that has been dictated by the science, then they should have it. If it is sanitizing all the mail, then they should have it. If it is closing down units because there has been anthrax or anything else discovered there, they should have it.

As we move forward to fight terrorism as a unified nation, we must make sure that we commend and acknowledge those men and women who continue to press forward in the service of their country, our men and women in the military; but the U.S. Postal Service every day carries our economy forward and our service to those forward.

Let me thank you very much for this legislation. I hope my colleagues will unanimously support this very fine piece of legislation.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in closing, let me just ask all of my colleagues and all Americans to remember those postal workers and others still suffering from inhalation of anthrax. As I understand it, we still have a postal worker who is hospitalized. Our thoughts and prayers go out to them, their families friends and coworkers.

Madam Speaker, I also want to thank the Postmaster General for agreeing to work with us as we try and get a handle on how to most effectively and safely carry out the work of our Postal Service.

Again, I want to thank my ranking member, the gentleman from California (Mr. WAXMAN) and the gen-

tleman from Indiana (Chairman BURTON), who have indicated that they will be working with the National Academy of Sciences and the Postal Service as they convene a conference with a panel of experts to discuss and evaluate how to respond to threats in the mail. The conference, being held all day tomorrow, will focus the expertise of the Nation's top scientists on the biological threats confronting the Postal Service.

I commend all of the unions, the letter carriers, mail handlers, supervisors unions as well as the APWU for the outstanding work they have done delivering the mail, but also for the outstanding work that they were doing trying to help shape a new system, trying to help make sure that we can reform the Postal Service so that it does not linger and does not have the fear of not being able to carry out its duties and responsibilities.

And again, I want to thank my colleague, the gentleman from New York (Mr. McHUGH) for his continuing leadership. It is always indeed a pleasure to work with him.

Madam Speaker, I would urge passage of this resolution.

Mr. McHUGH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, before I yield back the balance of my time, let me just say that the old saying, you do not know what you have got until it is gone is perhaps somewhat applicable here. Fortunately, the Postal Service is not gone. It is still with us. And that too is a tribute to these hard-working men and women who do so much for us in such an efficient and yet such a quiet way.

□ 1600

I do think it is unfortunate that the tragedies that we have spoken about here today, the loss of life, those who are still struggling to regain their health had to occur to make us once again appreciate the great job that the employees of the Postal Service do for each and every American in their efforts to deliver the mail.

This resolution is, as I said earlier, a most-fitting recognition of that and, again, my praise and appreciation, particularly to the gentleman from Illinois (Mr. DAVIS) for his leadership in that regard; but it seems to me that if we do not take the next step in expressing our concern into real ways that ensure to the greatest extent possible that these 800,000-plus employees are never again asked to make the kinds of sacrifices they have made in the past weeks, we will still have failed; and I know the gentleman from Illinois (Mr. DAVIS), the gentleman from California (Mr. WAXMAN), the gentleman from Indiana (Mr. BURTON), and so many others are anxious to work together to ensure that that does not happen.

Madam Speaker, with a final sense of appreciation to those great employees and a final sense and word of consolation to the families of the two fallen

postal workers, I reserve the balance of my time.

Mrs. MCCARTHY of New York. Madam Speaker, I rise in support of H. Con. Res. 257, of which I am a cosponsor.

The U.S. Postal Service delivers more than 200 billion pieces of mail a year and handles about 680 million pieces of mail each day. Letter carriers work tirelessly six days a week, providing over 136 billion homes and business with an invaluable service. Unfortunately, as a result of the September 11 terrorist attacks and the national anthrax scare, the U.S. Postal Service has been placed on the front lines of our war against terrorism. Three pieces of mail were recently confirmed as being contaminated with anthrax. On a grand scale, that's a low ratio, but not when human lives are concerned.

The three letters exposed workers from a wide array of postal distribution centers to anthrax and many are being treated medically as a precaution. But despite the risk of anthrax infection, our Postal Service continues to sort the mail. 34 billion pieces of mail were delivered since September 11, equaling about five pieces for each person in the world. I visited my local postal facilities and am reassured by the steps they are taking to protect their workers on Long Island.

This resolution, H. Con. Res. 257, commends the hard-working men and women of the United States Postal Service for their commitment to mail delivery during this time of national emergency. Postal workers are known for delivering mail no matter what the situation and I'm proud of their work in the face of terrorism.

Mr. MCHUGH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 257, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REAL INTERSTATE DRIVER EQUITY ACT OF 2001

Mr. LATOURETTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2546) to amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Real Interstate Driver Equity Act of 2001".

SEC. 2. REGULATION OF INTERSTATE PRE-ARRANGED GROUND TRANSPORTATION SERVICE.

Section 14501 of title 49, United States Code, is amended by adding at the end the following:

"(d) PRE-ARRANGED GROUND TRANSPORTATION.—

"(1) IN GENERAL.—No State or political subdivision thereof and no interstate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard or other provision having the force and effect of law requiring a license or fee on account of the fact that a motor vehicle is providing pre-arranged ground transportation service if the motor carrier providing such service—

"(A) meets all applicable registration requirements under chapter 139 for the interstate transportation of passengers;

"(B) meets all applicable vehicle and intrastate passenger licensing requirements of the State or States in which the motor carrier is domiciled or registered to do business; and

"(C) is providing such service pursuant to a contract for—

"(i) travel from one State, including intermediate stops, to a destination in another State; or

"(ii) travel from one State, including one or more intermediate stops in another State, to a destination in the original State.

"(2) MATTERS NOT COVERED.—Nothing in this subsection shall be construed—

"(A) as subjecting taxicab service to regulation under chapter 135 or section 3113b;

"(B) as prohibiting or restricting an airport, train, or bus terminal operator from contracting to provide preferential access or facilities to one or more providers of pre-arranged ground transportation service; and

"(C) as restricting the right of any State or political subdivision of a State to require that any individual operating a vehicle providing prearranged ground transportation service originating in the State or political subdivision have submitted to a criminal background investigation of the records of the State in which the operator is domiciled, by the motor carrier providing such service or by the State or political subdivision by which the operator is licensed to provide such service, as a condition of providing such service."

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 13102 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (17), (18), (19), (20), (21), and (22) as paragraphs (18), (19), (21), (22), (23), and (24), respectively;

(2) by inserting after paragraph (16) the following:

"(17) PRE-ARRANGED GROUND TRANSPORTATION SERVICE.—The term 'pre-arranged ground transportation service' means transportation for a passenger (or a group of passengers) that is arranged in advance (or is operated on a regular route or between specified points) and is provided in a motor vehicle with a seating capacity not exceeding 15 passengers (including the driver)."; and

(3) by inserting after paragraph (19) (as so redesignated) the following:

"(20) TAXICAB SERVICE.—The term 'taxicab service' means passenger transportation in a motor vehicle having a capacity of not more than 8 passengers (including the driver), not operated on a regular route or between specified places, and that—

"(A) is licensed as a taxicab by a State or a local jurisdiction; or

"(B) is offered by a person that—

"(i) provides local transportation for a fare determined (except with respect to transportation to or from airports) primarily on the basis of the distance traveled; and

"(ii) does not primarily provide transportation to or from airports."

(b) CONFORMING AMENDMENTS.—

(1) MOTOR CARRIER TRANSPORTATION.—Section 13506(a)(2) of title 49, United States Code, is amended to read as follows:

"(2) a motor vehicle providing taxicab service;"

(2) MINIMUM FINANCIAL RESPONSIBILITY.—Section 3113b(e)(2) of such title is amended to read as follows:

"(2) providing taxicab service (as defined in section 13102);"

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from New Jersey (Mr. PASCRELL) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I may consume.

The Real Interstate Driver Equity Act of 2001, H.R. 2546, was introduced by our colleague, the gentleman from Missouri (Mr. BLUNT). This legislation is needed to solve a problem that arises when a for-hire motor carrier travels across a State line in interstate commerce.

During testimony before the Committee on Transportation and Infrastructure, sort of an anomaly presented itself where if someone wanted to hire a car in Cleveland, Ohio, for instance, and take it over to Pittsburgh, Pennsylvania, to watch the Browns beat up on the Pittsburgh Steelers, as we hope will happen next month, the car for-hire could drop the person at the stadium in Pittsburgh but could not pick them back up and bring them back to Ohio without a dual licensure.

The gentleman from Ohio (Mr. BLUNT) and his co-sponsors, I know the gentleman from New Jersey (Mr. ANDREWS), have put their finger right on the pulse of what we need to do to solve this problem and hence have introduced H.R. 2546.

On November 7 of this year, the House Committee on Transportation and Infrastructure ordered by a voice vote that this bill be reported with one amendment.

Madam Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT), the primary author of the legislation.

Mr. BLUNT. Madam Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) and the members of his committee for bringing this bill to the floor today. Certainly, I also want to thank the gentleman from New Jersey (Mr. ANDREWS), the gentleman from New Jersey (Mr. PALLONE), the gentleman from Colorado (Mr. TANCREDI), and almost 20 others who have joined with us as co-sponsors on this bill.

In my district in southwest Missouri, we frankly do not have lots of limousine transportation; but we do make lots of limousines. In fact, I think we may be the biggest manufacturer of limousines anywhere in the country;

and for those men and women who work to make limousines and for those many businesses, large and mostly small, and our friends in this industry who provide this service at a time when we are more and more concerned about all kinds of transportation and transportation security, this bill really solves a transportation security problem for many people.

It solves just simply a problem created in doing business every day for the small businesses that provide this great service to so many Americans, whether it is to go to that football game Mr. LATOURETTE mentioned or simply to travel from Newark Airport to the City of New York where someone can take a passenger. But as of today they could not wait for that same passenger and take them back to the airport. That passenger is deprived of the security of knowing that the person they contracted with to take them somewhere can be there and be ready to take them back or in Washington, D.C., where limousine operators have to carry three separate license plates, one for the District of Columbia, one for Maryland, one for Virginia, and are forced to change those license plates whenever they cross the boundaries in order to avoid the fines that otherwise come with the inconsistent regulation that now dominates this particular service.

Under this bill, limousine and sedan companies will be able to travel across State lines as long as they meet certain requirements, like registering with the Department of Transportation as an interstate carrier and ensuring that all their travel is prearranged.

It is also important to note that even though drivers may travel over State boundaries, they are not allowed to pick up additional business while they are on their trip. For example, if a limousine takes a person from Los Angeles to Las Vegas, they can take their client back to Los Angeles; but they cannot engage in short-term fares while waiting for the return trip.

Some cities were concerned that they would not be able to ensure out-of-state drivers had the proper security clearance. We added an amendment in committee that ensures that these States and localities will be able to require any individual operating within their jurisdiction have the proper criminal background check.

This legislation was written in cooperation with the taxi association, the limousine association, the paratransit authority, various regional airports and the City of New York. I believe we have worked on all sides to produce a compromise bill that will help small business owners while ensuring that States and localities will be able to protect their citizens.

Again, this has been a bipartisan effort. We are grateful to the committee for bringing this bill to the floor and to all those representing small business and representing the people who manufacture limousines and sedans who have worked to make this bill possible.

Mr. PASCRELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2546, as reported by the committee, makes it unlawful for a State or political subdivision of a State, an interstate agency or a political agency of two or more States to impose any license or fee on account of the fact that a motor vehicle is providing prearranged ground transportation service in interstate commerce.

I want to commend the gentleman from Missouri (Mr. BLUNT) and the gentleman from New Jersey (Mr. ANDREWS). I think they have tried in the past, and here we have it on the floor today.

The company providing the service must be properly registered to provide service in interstate commerce and must meet all the licensing requirements of the State in which it is domiciled or registered to do business.

This legislation is extremely critical, Madam Speaker, for limousine firms in my own State of New Jersey as they attempt to keep their businesses afloat after September 11.

The for-hire vehicle industry is made up of 18,600 companies nationally that provide local for-hire passenger transportation service. These services include taxicabs and black cars and airport shuttles, executive sedans and limousines. There are approximately 254,000 vehicles that transport over 2 billion passengers in 1 year.

Massive layoffs in this predominantly small business industry are estimated to number 80,000 out of a total of 162,000 nationally. This is a workforce that will be cut in half, and I am hopeful that this bill can ease the burden.

We are not just talking about owner-operators and drivers. We are talking about coach builders, as the gentleman from Missouri (Mr. BLUNT) spoke of, dealers, the thousands of vendors who do business with this industry.

Madam Speaker, I am pleased that the bill before us addresses the concerns expressed by airport, train and bus terminal operators, as well as the City of New York, regarding prior drafts of the bill. The bill does not restrict an airport, a train or a bus terminal operator from contracting to provide preferential process or access to one or more providers or prearranged ground transportation service, nor does it restrict the rights of any State or political subdivision to require that ground transportation operators submit to criminal background checks as a condition of providing the service.

Finally, this bill reaffirms that taxicab services are exempt from the economic and minimum liability regulations of the Federal Government.

This is an imminently sensible compromise, Madam Speaker. This is a piece of legislation we have supported for years. I urge my colleagues to join us in support of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I might consume, and I just want to emphasize a point that our colleague and the author of the bill, the gentleman from Missouri (Mr. BLUNT), made during his remarks, and that is, during the full committee markup of this legislation, there was some concern expressed by principally the gentlewoman from Nevada (Ms. BERKLEY) and the concern of some cities that a car would come into town on a 2-day trip, perhaps, and while waiting for their fare to take them back to Los Angeles or wherever, they came in, would engage in transporting others to different places within Las Vegas to the detriment of locally licensed vendors.

The gentleman from Missouri (Mr. BLUNT) and his co-sponsors have very carefully crafted the bill to ensure that that fear is not realized, and I commend him for making that change and being sensitive to some of the concerns raised and, as a matter of fact, the only concerns raised in the committee about the bill; and as I say, it passed the committee by voice vote.

Madam Speaker, I reserve the balance of my time.

Mr. PASCRELL. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS), my friend and a long-time leader in this area.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Madam Speaker, I thank the gentleman from New Jersey (Mr. PASCRELL), my friend and neighbor, for yielding the time to me; and I am proud to rise as a co-sponsor and supporter of the legislation.

Let me begin by thanking the gentleman from Missouri (Mr. BLUNT) without whom this legislation would not have gotten on the floor; his legislative skill and his partnership in this effort are truly appreciated, and I thank the gentleman for his work.

I also want to extend my appreciation to the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from New Jersey (Mr. PASCRELL). The gentleman from New Jersey (Mr. PASCRELL) was one of the earliest and most significant co-sponsors of this bill, and I know that the small business people in his district and across the country appreciate his leadership on this.

Let me also express my appreciation to the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) and the majority and minority staffs of the committee for their excellent cooperation in bringing us to this point.

I also want to thank my friend and constituent Don Kensey, Madam Speaker, who is with us today who first brought this to my attention several years ago in my office in New Jersey.

This legislation is good for the traveling passenger. It is good for the small

business person, and I believe it is good for highway safety. It is good for the traveling passenger because it gives him or her more choices as to how to get to where they want to go, and with transportation being something in a state of confusion today or anxiety, having one more safe and secure choice to go from south Jersey, where I live, to New York City or to go from Los Angeles to Las Vegas and back or from Cleveland to Pittsburgh to watch the Steelers, I will not say defeat the Browns since the gentleman from Ohio (Mr. LATOURETTE) still has control of the time, take on the Browns, these are choices people ought to be able to make; and because of this legislation, they will be able to.

Second, there are, as the gentleman from New Jersey (Mr. PASCRELL) said, thousands of small business people around this country who are profoundly affected by this legislation. These are men and women who are living from paycheck to paycheck, who are scraping to get their businesses going; and by giving them the chance to compete on a fair and level playing field, we are enhancing their ability to employ their employees and to move their passengers and customers around the country.

Finally, I think the legislation is very much needed for highway safety purposes because face it, very often, these vehicles are employed by people who are out for that great, good time in celebration of a wedding, celebration of a graduation, a special occasion in the family where people want to relax and enjoy themselves and should not be behind the wheel.

□ 1615

Madam Speaker, when they employ one of these vehicles, it permits them to travel safely, to make the highways safer for each one of us.

Following up on something the gentleman from New Jersey (Mr. PASCRELL) said, this industry, because of its close relationship to air travel, is in a state of great distress. From the leadership of gentleman from New Jersey (Mr. PASCRELL) on the Committee on Small Business, and the gentleman from Missouri (Mr. BLUNT) and others on the majority side are trying to find ways through the Small Business Administration and other vehicles, other agencies, to try to help this segment of the air travel industry through a grave and difficult crisis.

Madam Speaker, I hope that today is simply the first step in a broad and comprehensive effort to help this integral and important part of our air transportation system stay in business and stay intact.

Madam Speaker, I extend my thanks for the cooperation of the gentleman from Missouri (Mr. BLUNT). I urge my colleagues to carefully consider the legislation, give it their affirmative vote and pass this legislation.

Mr. PASCRELL. Madam Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I enter into the RECORD an exchange of letters between the Committee on Transportation and Infrastructure and the Committee on Commerce and Energy on the bill under consideration, H.R. 2546.

The letters referred to are as follows:

HOUSE OF REPRESENTATIVES,

COMMITTEE ON ENERGY AND COMMERCE,

Washington, DC, November 13, 2001.

Hon. DON YOUNG,

Chairman, Committee on Transportation, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing with regard to H.R. 2546, the Real Interstate Driver Equity Act of 2001. As you know, Rule X of the Rules of the House of Representatives grants the Committee on Energy and Commerce jurisdiction over interstate commerce. H.R. 2546 deals in significant part within such matters, and is therefore within the jurisdiction of my Committee.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 2546. In addition, the Energy and Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Commerce Committee for conferees on H.R. 2546 or similar legislation.

I request that you include this letter as a part of the Committee's report on H.R. 2546 and as part of the Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

W.J. "BILLY" TAUZIN,
Chairman.

HOUSE OF REPRESENTATIVES,

COMMITTEE ON TRANSPORTATION AND

INFRASTRUCTURE,

Washington, DC, November 13, 2001.

Hon. W.J. (BILLY) TAUZIN,

Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN TAUZIN: Thank you for your letter of November 13, 2001, regarding H.R. 2546, the "Real Interstate Driver Equity Act of 2001" and for your willingness to waive consideration of provisions in the bill that are under your committee's jurisdiction under House Rules.

I agree that your waiving consideration of relevant provisions of H.R. 2546 does not waive your committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are within the your committee's jurisdiction during any House-Senate conference on H.R. 2546 or similar legislation, and would support your request for conferees on such provisions.

Your letter and this response will be included in the record during floor consideration of the bill.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

Mr. SHAYS. Madam Speaker, I rise in strong support of the Real Interstate Driver Equity Act.

I was disappointed when I learned from ground transportation operators in my southwestern Connecticut district that a Stamford couple attending a play in Manhattan could hire a Connecticut car service to bring them to the city, but the same service couldn't bring the client back to Stamford without purchasing a costly additional permit from New York! This is absurd.

Car services based in Connecticut that take clients to and from New York City—duly licensed and insured under the guidelines of the Federal Highway Administration—should not have to purchase additional permits from a local government in order to provide round trip service.

This common sense legislation simply says that a licensed livery company cannot be subject to additional permitting requirements to complete a round trip into another state. The Livery Permit issued by the Federal Highway Administration is the only permit that should be necessary to conduct interstate commerce.

Just as I do not need to obtain separate drivers' licenses from D.C., Maryland, Delaware, New Jersey and New York in order to drive home to Connecticut at the end of the week, local governments should not have the authority to hold interstate commerce hostage to discriminatory pricing schemes.

Mr. PETRI. Madam Speaker, the Real Interstate Driver Equity Act of 2001 (H.R. 2546) was introduced by Representative ROY BLUNT of Missouri. This legislation is needed to solve a problem that arises when a for-hire vehicle, usually a limousine or sedan, travels across a state line in interstate commerce.

As the law is written today, state and local jurisdictions can require for-hire vehicles to be licensed in multiple states. In some instances, if they do not pay for additional licenses they can only drop their passenger in another state. They cannot make incidental stops. They cannot return the same passenger to the state of origin.

An example that illustrates the problem with the current framework is that of a traveler who arranges to be picked up at an airport. On the way home to another state, they wish to stop and have dinner within the same state in which they arrived. This seems like a reasonable situation. What could go wrong with this arrangement? Unfortunately, that stopover could result in the car being ticketed, towed and impounded. The customer is stranded to look for a way to get home and the car service is left without a car and with hundreds or even thousands of dollars in fines and fees.

This is not a fair practice and H.R. 2546 corrects the problem. For-hire vehicles providing prearranged ground transportation should be able to engage in interstate commerce. This legislation would not allow a carrier to operate in another jurisdiction with spontaneous new clients as though they were licensed within that jurisdiction. The legislation also protects the right of transportation terminal operators to provide preferential access and States and political subdivisions to require criminal background checks.

The for-hire vehicle industry utilizes nearly 250,000 vehicles to move more than two billion passengers each year. With the economic downturn, they are an industry that has been hard hit and have requested financial support from the Congress.

With the current budgetary climate, I am doubtful that the Congress will be able to provide direct fiscal relief. However, H.R. 2546

will reduce a burden that costs for-hire vehicle operators business and costs consumers efficient travel and convenience. Representative BLUNT's bill is the next best thing to directing financial relief in these trying times.

I am pleased to report that after more than two years of consideration, this legislation has reached the House Floor. The Committee on Transportation and Infrastructure has been working with the sponsor and other interested parties to resolve the areas of controversy. As amended at Committee, H.R. 2546 has addressed all of the various concerns. I urge our colleagues to support this legislation.

Mr. LATOURETTE. Madam Speaker, I urge my colleagues to support this good piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 2546, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JAMES L. WATSON UNITED STATES COURT OF INTERNATIONAL TRADE BUILDING

Mr. LATOURETTE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2841) to designate the building located at 1 Federal Plaza in New York, New York, as the "James L. Watson United States Court of International Trade Building."

The Clerk read as follows:

H.R. 2841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The building located at 1 Federal Plaza in New York, New York, shall be known and designated as the "James L. Watson United States Court of International Trade Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "James L. Watson United States Court of International Trade Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from New Jersey (Mr. PASCRELL) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2841 designates the building located at 1 Federal Plaza in New York as the "James L. Watson United States Court of International Trade Building." I thank the ranking member and senior member of the Committee on Ways and Means, the gentleman from New York (Mr. RAN-

GEL), for bringing this legislation to the attention of the committee and urging that we move on it in an expeditious fashion.

Judge Watson was born in Harlem, New York. He was the son of parents that had both been born in Jamaica, and his father served as a municipal court judge for 18 years. Judge Watson served with the Buffalo Soldiers in the 371st Infantry Regiment, 92nd Division, in World War II. He was wounded in Italy and returned to the United States decorated with a Purple Heart and the Infantry Combat Badge.

After returning from the war, he graduated from New York University in 1947 and Brooklyn Law School in 1951. Judge Watson was elected to the New York State Senate in 1954. While serving in the State Senate, in 1962 President John Kennedy chose him to accompany Vice President Johnson to the Jamaican Independence celebration. In 1963, Judge Watson was elected to the New York City Civil Court.

He served on the City Civil Court until President Johnson appointed him to what was known as the United States Customs Court and that is now known as the United States Court of International Trade in 1966. The nine members of the United States Customs Court could be assigned to sit in any Federal District Court in the Nation.

Because of his previous experience in the City Civil Court, in his first year on the Federal bench, Judge Watson was assigned to hear cases in California, Oregon, Washington, Atlanta, Tampa, Houston, El Paso, San Antonio and Dallas on civil and criminal matters. He was the first African American to sit on the Federal bench in the deep South.

Judge Watson worked to help modernize his court under the Customs Court Act of 1970. As chairman of the Court's Rules and Practices Committee, he reworked the rules and facilitated the modernization of the court with the introduction of computers. He took senior status in 1991. He passed away in Harlem earlier this year.

Madam Speaker, Judge Watson was a dedicated Federal judge and an exemplary public servant. This action is fitting to designate the Court of International Trade Building in his honor. I support the bill and urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. PASCRELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am in strong support of H.R. 2841, sponsored by the gentleman from New York (Mr. RANGEL). Madam Speaker, what a great feeling to start out in the judge's chambers as a law clerk, and be able to come to the floor of the House of Representatives to introduce legislation that would be a fitting response, a fitting response to years of service and dedication.

Judge Watson served on the United States Court of International Trade. It

was a lifetime appointment by President Lyndon Johnson. He was a former New York State Senator and a civil court judge. His career spanned 36 years, and he set a record of 70 appearances serving as a visiting judge in districts around this great Nation.

On several occasions, he was the first African American judge to hold court in parts of the deep South, the Virgin Islands and Puerto Rico. Compassion and evenhandedness are the best mirror when one holds it up to his decisions and written documents which he placed into the record. In World War II, yes, he served as an infantryman with the legendary black 92nd Buffalo Soldiers Division. What a legacy they left this great democracy.

He was seriously wounded in combat in Italy and received the Purple Heart, the Battle Star, the Combat Infantry Badge and a U.S. Army commendation. He attended New York University and Brooklyn Law School. Upon graduation, he established a private practice with retired Judge Bruce Wright; Lisle Carter, former Assistant Secretary of the Department of Health and Human Services; and Jacob Smith.

This is a very special dedication today. In March 1966, President Johnson named Judge Watson to the United States Customs Court, which was later renamed the Court of International Trade. During his year on the International Court, Judge Watson helped develop a modern court system, rewrote many of the court's rules, and introduced computers into the court.

He was noted for a judicial style that was very fair and very balanced. His personal ability to settle many civil cases out of court helped avoid costly expenses and the unpredictability of an often-long trial. He was a lifelong resident of Harlem, a sought-after public speaker, and an insightful adviser to all local politicians. His family is well known and very active in civic affairs. His cousins include Bruce Llewellyn, chairman of Coca-Cola; Secretary of State Colin Powell; and Dorothy Llewellyn Cropper, a New York Supreme Court Justice.

His life was full of success, friendship, his devoted family and his loving wife. It is fitting and proper to honor the distinguished Judge Watson with this designation.

Madam Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Madam Speaker, I reserve the balance of my time.

Mr. PASCRELL. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Madam Speaker, this is a great privilege and honor for me, and one that I have never really enjoyed before, to talk about a friend that has passed away and at the same time to talk about trying to leave something that is made out of steel and concrete as a memory for him.

This is difficult because Judge Watson was anything but a monument. He

was just a living example of what a great country that we live in. It is true, as the distinguished gentleman from New Jersey (Mr. PASCRELL) said, he came from a family that is well known, a family of hard workers and high achievers. But still that same family, as the gentleman pointed out, really never left the Harlem community. They were always there as mentors for those who wanted to help themselves.

Judge Watson served as a guide and a symbol of what can happen in this great country when people try to make something out of their lives. So whether he was a lawyer or whether he was a judge, he was always somebody that we just called plain old "Skiz."

It is remarkable how his family was able to visit with him, his daughter Chris and other daughter Karen, while he was on his death bed. I have never in my life heard of anyone that was leaving that was so concerned about his friends and family that he mapped out everything that he would like to see happen before he left us, and had a chance to tell each and every one how much he loved them.

Madam Speaker, I just think that it is fitting that all of the judges have come together to request that this building that they have worked in, the International Trade Court, be named after one of them because he was representative of all of their feelings. Even though he did retire in name only, on the complex cases he was called in, and he welcomed the opportunity to continue to serve as he served in combat and was wounded and received the Purple Heart for his World War II services.

If there was any award that we could possibly give a civilian that loved his country and his community until literally the day that he died, then Skiz, or Judge Watson, would be the person.

It is a privilege for me from the community, from the City and State of New York, to be the sponsor of this legislation. Its passage would mean that generations to follow will know who Skiz was and what he meant to our great country.

Mr. PASCRELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from New York (Mr. RANGEL) for being here, because this is a proposal that is presented with heartfelt knowledge of a great American.

Madam Speaker, I yield back the balance of my time.

□ 1630

Mr. LATOURETTE. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I again thank the gentleman from New York (Mr. RANGEL) for bringing this matter to our attention. I thank the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), and the distinguished ranking member, the gentleman from Minnesota (Mr. OBER-

STAR), as well as my good friend, the gentleman from New Jersey (Mr. PASCRELL).

I urge all Members to support this legislation.

Mr. OBERSTAR. Madam Speaker, H.R. 2841 is a bill to designate the court of international trade in New York City in honor of Judge James L. Watson. Judge Watson, a native New Yorker born in Harlem in 1922, lived and worked his entire life in New York. He served in the New York State Senate and as a Civil Court Judge before his appointment by President Johnson to the federal bench in 1966.

During World War II, he served in the legendary Buffalo Soldiers Division. He was awarded the Purple Heart, the Battle Star, the Combat Infantry Badge, and a U.S. Army commendation. After the war, he began private practice and became actively involved in local politics. In 1963, he was appointed to the Civil Court of New York and hired our Colleague CHARLIE RANGEL as one of his staff attorneys. During his years on the Court of International Trade, he modernized the court system and played a major role in rewriting the court's rules. He was instrumental in introducing computers into judicial activity.

Judge Watson was the Nation's most senior African-American federal judge. He enjoyed a national reputation for handling our fair sentences. He was a sought-after public speaker, served on the Board of Visitors of Fordham University, and on the board of the Harlem YMCA. His colleagues, politicians, and even other lawyers, sought his wise advice and safe counsel. Judge Watson's life serves as a model of diligence, hard work, and fairness.

It is a well-deserved honor to designate the very building in which Judge Watson served with distinction for over three decades as the "James L. Watson United States Court of International Trade Building."

I urge all Members to support this bill.

Mr. LATOURETTE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 2841.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2841 and H.R. 2546, the measures just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FRANK R. LAUTENBERG AVIATION SECURITY COMPLEX

Mr. LOBIONDO. Madam Speaker, I move to suspend the rules and pass the

bill (H.R. 2776) to designate buildings 315, 318, and 319 located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City, New Jersey, as the "Frank R. Lautenberg Aviation Security Complex".

The Clerk read as follows:

H.R. 2776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

Buildings 315, 318, and 319 located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City, New Jersey, shall be known and designated as the "Frank R. Lautenberg Aviation Security Complex".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the buildings referred to in section 1 shall be deemed to be a reference to the "Frank R. Lautenberg Aviation Security Complex".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from New Jersey (Mr. PASCRELL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 2776, to designate buildings 315, 318, and 319 located at the William J. Hughes FAA Technical Center as the Frank R. Lautenberg Aviation Security Complex. During his stellar 18-year career in the United States Senate, Frank Lautenberg was a strong voice for the improvement of aviation security in our Nation, a topic that has sadly gained more attention in the weeks following September 11. Twice before, he took a central and key role in examining the causes of aviation disasters. In 1988, after the bombing of Pan Am Flight 103, he chaired the first congressional hearings looking into the disaster and was one of only four congressional Members to serve on President George H.W. Bush's Presidential Commission on Aviation Security and Terrorism.

Eight years later, in response to the TWA 800 disaster, Senator Lautenberg supported a commission investigation into the incident and, along with his colleagues, sponsored legislation that appropriated more than \$400 million for the acquisition of new explosive detection devices and other aviation security improvements.

The complex referred to in my legislation is located at the FAA Technical Center in Egg Harbor Township, in my district. The tech center is our Nation's top research and development facility where nearly every advance in aircraft safety and security is born and tested by some of the most remarkable and dedicated professionals in the field. The work they are doing is tremendously important, and I salute them

for their efforts. In fact, I introduced this bill on the suggestion of the tech center employees and their leadership, and I have been happy to have their support on this issue as I have worked with House leadership to bring this bill to a vote today.

The dedication of the government and private sector employees working today at the tech center mirrors the longtime dedication of Senator Lautenberg to the cause of aviation safety. It is our shared goal that Congress continue to do everything possible to find the right solutions that will ensure the traveling public will be able to fly safely and securely. Sadly, yesterday's tragedy in New York City reminds us of the constant need for new and better innovations in aircraft safety technology. I also hope that the naming of this facility will not only honor the Senator but will also serve as a reminder of the vigilance he displayed in working to protect the traveling public and the vigilance needed to spur new advances.

I would like to thank the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Florida (Mr. MICA), and all my cosponsors of the bill, the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. HOLT), the gentleman from New Jersey (Mr. PALLONE), the gentleman from New Jersey (Mr. PAYNE), the gentleman from New Jersey (Mr. PASCRELL), and the gentleman from New Jersey (Mr. ROTHMAN), for their support.

Madam Speaker, I reserve the balance of my time.

Mr. PASCRELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 2776. This bill designates buildings 315, 318, and 319 located at the Federal Aviation Administration's William J. Hughes, named after another great American from New Jersey, a great Congressman, Technical Center in Atlantic City as the Frank R. Lautenberg Aviation Security Complex. I commend the gentleman from New Jersey (Mr. LOBIONDO) for always reaching across the aisle sincerely and the entire New Jersey delegation support of this good legislation.

In this time of uncertainty and uneasiness about aviation, I can think of no more fitting tribute to a man who changed our way of thinking about aviation. Senator Lautenberg is a great American and a son of my hometown of Paterson, New Jersey. The son of immigrants, Frank Lautenberg came from a working-class background. In fact, his father worked in the silk mills in Paterson located around the same area where I grew up.

After graduating high school, he served the United States citizens by joining the Army Signal Corps in Europe. Upon his return, Senator Lautenberg began a life of public service to

the citizens of the Garden State. The impact he has had on our Nation's health, safety and security is significant; and that is why we honor him today. He is the author of laws that have shaped the lives and enriched the health and safety of Americans.

Throughout his 19 years of public service, Frank Lautenberg distinguished himself as a thoughtful and energetic leader. He advocated passionately for transportation issues, including aviation security. The terrorist attack over Lockerbie, Scotland, propelled the President to create the President's Commission on Aviation Security and Terrorism. Frank Lautenberg served with distinction on the Pan Am 103 commission, and worked over the last several years on a number of initiatives to promote and to fund aviation security.

Frank Lautenberg's leadership in the Senate laid the foundation to enhancing aviation security. The commission's 1990 report found the Nation's civilian aviation security system to be seriously flawed and made 64 recommendations to correct those flaws. The Aviation Security Improvement Act of 1990 incorporated those recommendations.

In 1996, spurred on by the tragedy of TWA 800, that tremendous explosion, President Clinton organized another commission, the 1996 White House Commission on Aviation Safety and Security. The commission made 31 recommendations for enhancing aviation security that were ardently supported by Senator Lautenberg. He subsequently led efforts in the Senate to include measures in the 1996 FAA Reauthorization Act and the Omnibus Consolidated Appropriations Act of 1997 to not only intensify security but also to appropriate needed funds for new explosives-detection technology.

I was able to visit the Atlantic City facility earlier this year with my friend, the gentleman from New Jersey (Mr. LOBIONDO), and the rest of our subcommittee. The work that they are doing in that facility is remarkable. It will assist us for generations to come in terms of aviation security. The research conducted at the Federal Aviation Administration's technical center is on the cutting edge. I must tell my friend from New Jersey, as many times as I passed there before I became a Congressman, never did I see what was going on in there. I was absolutely floored at the work that is being done in our behalf and the citizens of this great Nation. The programs housed in those buildings, to be renamed in honor of Senator Lautenberg, are key to successful research.

At the core is building 315, the aviation security laboratory, which was dedicated to the victims of Pan Am 103. Research in the ASL focuses on bulk explosives detection and certification testing. Buildings 318 and 319 are dedicated to bulk luggage and luggage containers testing, and explosives trace detection equipment operations and

testing, respectively. This is critical to the aviation industry in our Nation. If we do what we have to do in the next 2 weeks, we will begin to continue to finish the package which we started a few years ago.

Madam Speaker, I thank my New Jersey colleagues for introducing this measure; and I urge my colleagues' support for H.R. 2776.

Madam Speaker, I reserve the balance of my time.

Mr. LOBIONDO. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I want to commend my good friend and colleague, the gentleman from New Jersey (Mr. LOBIONDO), for this meaningful resolution and for his sensitivity and his bipartisanship in proffering it today and for naming the tech center, which is an outstanding center in New Jersey in his district, after Frank Lautenberg.

Madam Speaker, while I had serious differences with Senator Lautenberg from time to time especially on safeguarding unborn children there is no doubt that Frank worked tirelessly for the State of New Jersey. A self-made millionaire, he knew that hard work and industry are key ingredients in any endeavor. He was a great friend of Amtrak. We all know how vital Amtrak is to the Northeast Corridor and New Jersey in particular. The ridership continually climbs, not just because of aviation safety issues but because people like it; it is relatively inexpensive; and it gets you there on time and schedule, permits maximum flexibility in personal or professional planning.

He also worked very hard with me and as he did with other Members of our delgation. For example we recently had a specific need in Manasquan. We wanted to get a new state of the art motorized lifeboat, for sea rescues and recovery. Senator Lautenberg and I worked the procurement of the boat from both ends of the Capitol and succeeded.

He helped lead the effort against smoking on commercial aircraft. My mother died from lung cancer as a result of smoking and my family and I miss her dearly. We know that something on the order of 400,000 to 500,000 people will die from smoking every year. It's an outrage. Yet, having a flight attendant as a sister-in-law and a brother who is a pilot and 757 captain, we know that secondhand smoke can be very deleterious to one's health and can lead to lung cancer and emphysema and other anomalies attributable to smoking.

Finally, one seemingly obscure provision that Senator Lautenberg took the lead on that really does not make the front page, and it is something that I have worked with him on for many years, and that was known as the Lautenberg amendment. It was an amendment designed to assist, to facilitate emigration of Soviet Jews and other

persecuted people in the Soviet Union as well as Indochinese nationals, to give them a special and a vitally necessary protection and refugee status.

Madam Speaker, normal refugee procedures require an adjudication of that case on a case-by-case basis. The record clearly indicated that many people, worthy individuals, were being improperly screened out and being left behind in a the country where tyranny did its terrible misdeeds to those individuals. Because the Soviets, for example, imposed such egregious repression on Jews and whole categories of people by reason of their inclusion and identification with that group, the Lautenberg amendment first adopted in 1990 stipulated that if the whole group was affected, they as individuals would be able to get the kind of protection refugee status that would lead to their freedom.

□ 1645

The Lautenberg amendment has resulted in freedom for thousands of people. Again, it never made a big splash in the media, but it is a very humanitarian piece of legislation for which he is the author.

I thank again my good friend, the gentleman from New Jersey (Mr. LOBIONDO), for sponsoring this bill.

Mr. PASCRELL. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE), a very close associate of Senator Lautenberg.

Mr. PAYNE. Madam Speaker, I thank the gentleman for yielding me time and allowing me to express my appreciation for the work done by Senator Lautenberg. Let me commend, in addition to the gentleman from New Jersey (Mr. PASCRELL), the gentleman from New Jersey (Mr. LOBIONDO) for bringing this legislation to the floor.

I am pleased to rise in support of this measure to designate three buildings located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City as the Frank R. Lautenberg Aviation Security Complex after one of New Jersey's most distinguished and dedicated public servants, my friend and my former colleague, Senator Frank Lautenberg.

Senator Lautenberg is well known throughout New Jersey and the Nation for his prolific legislative achievements, but even before his election to the United States Senate, he worked tirelessly in pursuit of the American dream. He is proof that this country is great, because of what he was able to do even before he was elected to the United States Senate.

His is indeed a classic American success story. Born to immigrant parents, as we have heard, who were forced to move consistently in search of work, his father worked in the mills, his mother worked in other types of jobs during World War II, at Prudential doing work there, but he set his goals for himself in his early life. He remembered what his parents told him, that he could be anything he wanted to be,

and he never wavered in the quest to fulfill his aspirations.

After completing high school in Nutley, New Jersey, he enlisted in the Army, serving in the Army Signal Corps in Europe during World War II. After the war, he earned a degree in economics from Columbia University, using the GI Bill, which was a bill where America said we are going to educate our returning veterans. So many Americans were able to lift themselves up because the Federal Government made a determination that we should help our returning servicemen. As a matter of fact, that program, where many people talk about government is too big, that set the United States of America far ahead of the world, and that is why we have been able to achieve the prominence that we have today.

After the war and after he earned his degree, then he got into the spirit of American entrepreneurship and joined two boyhood friends in establishing a payroll service company, Automatic Data Processing, ADP.

Senator Lautenberg was a champion of the revitalization efforts throughout New Jersey. Following my election to the House of Representatives in 1988, I was always able to count on Senator Lautenberg as an advocate of major economic development efforts, including the world-class Performing Arts Center in Newark, New Jersey, which helped to stimulate economic development; and now Newark is moving back to the prominence that it once had: the development of the waterfront; millions of dollars in funding for Urban Core mass transit programs, including the Newark-Elizabeth Rail Link, Bergen Rail, and throughout the State.

Senator Lautenberg gained a national reputation as a powerful voice for environmental protection, fighting for safe drinking water, clean air, a ban on ocean dumping of sewage, clean beaches, prevention of oil spills and a strong Superfund bill to clean up toxic sites.

Senator Lautenberg has worked to improve educational opportunities in our Nation so that coming generations will have the chance to live the American dream as he has. Senator Lautenberg helped author the Hope Scholarship, which provides a \$1,500 tax credit for college students. He fought to improve our public schools by providing important resources, including new computers, so that students will be prepared for high-tech jobs in the future. He even put his own money up to say that any kids who graduate from the elementary school that he went to could go to college, and he would pay the way.

A strong supporter of affirmative action, Senator Lautenberg has fought discrimination based on race, religion, disability or sexual orientation. He was a staunch supporter of the Americans With Disabilities Act, and in 1991 he supported the Civil Rights Act strongly. He has supported full funding for

the Legal Service Corporation to ensure that all individuals have access to legal protection.

In addition to his work here, I had the opportunity to travel to Israel with Senator Lautenberg, where an entire community center for education, for the help of young children in Israel, is there as a contribution that he has done.

So his work has been worldwide, and I think it is no more fitting and proper today, as has been indicated by my colleague from Paterson, that when air transportation is being questioned, when there is, as we know, the horrible act of yesterday, where a tremendous accident happened over in New York, that we need to be sure that we have the opportunity to name a facility in the name of such a great person.

So I urge my colleagues to support this resolution honoring the great former colleague, Senator Frank Lautenberg.

Mr. PASCRELL. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank my friend from Paterson for yielding me time, and I thank my friend the gentleman from New Jersey (Mr. LOBIONDO) also for advancing this legislation to recognize an important function, an important center, but especially to recognize an important American.

Former Senator Frank Lautenberg has left a mark on America that we all should recognize. In education, his support for public schools; in law, his support to provide good legal advice for the less advantaged; in arts and culture; in the environment, clean air, clean water, excellent legislation dealing with open space and Superfund.

But we all know him best for his work in transportation. In 14 years as ranking member and chairman of the Subcommittee on Transportation of the Committee on Appropriations, he made a mark on almost every aspect of transportation in America. It is not just building things and funding infrastructure, there is much of that that we can point to; but it was other things, such as we have heard mentioned today.

He recognized that smoking is not just an annoyance; that other people's smoke actually is a health hazard, and he banned smoking in airplanes.

But what I particularly remember is the work that he did to stop drunk driving. With his 0.08 alcohol level legislation, he saved so many lives that you could fill a sports stadium with the young adults who are alive today because of what he did. But, of course, the difficult point is, no one knows who those are, whose lives were saved, so we could not find them to fill the stadium. But, believe me, there are countless tragedies that have been prevented because of Frank Lautenberg's 0.08 alcohol legislation.

So, throughout the area of transportation he has left an important mark,

and it is fitting that we recognize him now in one area where he contributed something that is particularly relevant today, and that is transportation, specifically airline security.

I commend my friends for advancing this legislation, and I urge its passage to the rest of my colleagues.

Mr. PASCRELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, before yielding back, I just want to thank again the gentleman from New Jersey (Mr. LOBIONDO) for his diligent work, and I want to thank the gentleman from Alaska (Chairman YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for helping us get to the floor here, and thank all the Members from the New Jersey delegation.

Madam Speaker, I yield back the balance of my time.

Mr. LOBIONDO. Madam Speaker, I yield myself such time as I may consume to close.

Madam Speaker, I would like to say that it was an honor for me to serve with Senator Lautenberg. I learned a great deal from the Senator about effective and positive public service. He was someone that led by example, and his leadership and vision will have a lasting impact on our aviation security. This indeed is a fitting tribute to a great leader that I am very proud to call my friend.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. LOBIONDO) that the House suspend the rules and pass the bill, H.R. 2776.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LOBIONDO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2776.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

KLAMATH BASIN EMERGENCY OPERATION AND MAINTENANCE REFUND ACT OF 2001

Mr. WALDEN of Oregon. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2828) to authorize refunds of amounts collected from the Klamath Project irrigation and drainage districts for operation and maintenance of the Project's transferred and reserved works for water

year 2001, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Klamath Basin Emergency Operation and Maintenance Refund Act of 2001".

SEC. 2. QUALIFIED KLAMATH PROJECT ENTITY DEFINED.

In this Act, the term "qualified Klamath Project entity" means an entity that—

(1) *has executed a water supply contract with the United States for water from the Upper Klamath Lake and the Klamath River of the Klamath Project pursuant to the reclamation laws, including the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto;*

(2) *distributes water received under the contract;*

(3) *received a severely limited irrigation supply from the Upper Klamath Lake and the Klamath River based on the Bureau of Reclamation 2001 annual operations plan dated April 6, 2001; and*

(4) *was not reimbursed for its operation and maintenance expenses for 2001 pursuant to State law.*

SEC. 3. REFUND AND WAIVER OF ASSESSMENTS AND CHARGES FOR OPERATION AND MAINTENANCE OF KLAMATH RECLAMATION PROJECT.

(a) *IN GENERAL.—The Secretary of the Interior is authorized to pay to each qualified Klamath Project entity an amount equal to the amount assessed or charged to members of the qualified Klamath Project entity, or to other persons receiving water or drainage service from such an entity, for operation and maintenance of Klamath Project transferred and reserved works for 2001.*

(b) *CONDITIONS.—Payment under this section may be made to a qualified Klamath Project entity only after the entity has—*

(1) *provided to the Secretary documentation satisfactory to the Bureau of Reclamation, demonstrating the total amount assessed or charged to members of the entity or to persons receiving service from the entity; and*

(2) *executed a binding agreement under which the funds paid to the entity under this section shall be distributed to each member of the entity or persons receiving service from the entity in an amount equal to the amount collected by the entity from the member or person for operation and maintenance for 2001.*

(c) *WAIVER OF REMAINING AND ADDITIONAL CHARGES.—The Secretary may waive any requirement that a qualified Klamath Project entity pay remaining or additional charges for operation and maintenance of Klamath Project reserved works for 2001.*

(d) *PAYMENTS AND WAIVERS FOR INDIVIDUALS.—The Secretary—*

(1) *may pay, to any individual within the Klamath Project who holds a contract entered into pursuant to the Act of February 21, 1911 (36 Stat. 925; 43 U.S.C. 523–525), popularly known as the "Warren Act", and who is not within a district that receives a payment pursuant to subsection (a) and a waiver under subsection (c), an amount equal to the amount collected from such individual for operation and maintenance of Klamath Project reserved works for 2001; and*

(2) *may forego collection from such individual of charges for operation and maintenance of such works for the remainder of 2001.*

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Amounts not paid by a qualified Klamath Project entity to the Bureau of Reclamation for the operation and maintenance of the reserved

works for 2001 shall be funded from the appropriations authorized by this Act. Costs incurred by the Bureau of Reclamation in carrying out this Act shall not be reimbursable.

SEC. 5. NO SUPPLEMENTAL OR ADDITIONAL BENEFIT.

Activities under this Act or funded pursuant to this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2828 gives hope to those people whose livelihoods face ruin as a result of the Interior Department's decision to shut off water to some 1,200 farm families of the Klamath Basin for the first time in the nearly 100-year history of the Bureau of Reclamation's Klamath Project.

Many of these farm families are proud veterans or descendants of American veterans who wore our country's uniform and fought for freedom. The Federal Government lured them to this basin with a promise of water and land for life. They were encouraged by the Federal Government to settle the land and to feed the country.

Last summer, without water, parched fields turned to dust and farm families began to stare bankruptcy in the face. To make matters even worse, these same farmers were paying for the operation and maintenance of the myriad of canals and waterways this year, paying for a project that would deliver them virtually no water. You know, in America you should not have to pay for something you do not receive, and that is where this legislation rights a wrong.

I want to thank the gentleman from Utah (Chairman HANSEN) and the ranking member, the gentleman from West Virginia (Mr. RAHALL) for their cooperation and support of this legislation. This measure results from testimony at a field hearing we held earlier this year in Klamath Falls. It is very much appreciated that we had that opportunity.

I also want to thank my colleagues, the gentleman from Oregon (Mr. DEFazio) and the gentlewoman from Oregon (Ms. HOOLEY), for their bipartisan cosponsorship and support of H.R. 2828. We continue to work together to find real solutions to the very real and difficult problems confronting the farmers, the tribes and the environment of the Klamath Basin. Rest assured, in the months ahead we will continue to bring legislation to address other very significant issues in this basin.

H.R. 2828 provides both a measure of fairness and a measure of emergency relief. It authorizes the Bureau of Reclamation to return or waive fees paid

by irrigation districts and, ultimately, by their patrons this year. It puts money back in the hands of the farmers who so desperately need it.

H.R. 2828 will authorize the Secretary of Interior to pay each qualified Klamath Project entity an amount of money that was assessed them for operation and maintenance of the Klamath Project for 2001.

Section 2 defines the qualified Klamath Project as an entity that, one, has a water supply contract with the Bureau of Reclamation for water from the Upper Klamath Lake and Klamath River; two, distributes water received under the water supply contract; and three, received a severely limited supply based on the 2001 annual operations plan issued April 6, 2001; and finally, four, did not already receive refund payments.

□ 1700

Mr. Speaker, this bill is the fair thing to do for the people who have experienced such terrible hardship. I hope that all of my colleagues can support this straightforward bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the pending legislation would enable the Secretary of the Interior to waive or refund operation and maintenance payments for certain irrigation districts which contract with the Bureau of Reclamation for water from the Klamath Project. This measure is being advanced because while many water districts have paid their operation and maintenance expenses, due to drought conditions, they ultimately did not receive water from the Klamath Project.

While I am not opposed to this bill, I do want to note for the record that the United States has experienced additional expenses due to the reaction of certain individuals to the drought-related reduction in Klamath water deliveries. For instance, when the drought caused the Interior Department to not deliver water, certain individuals took it upon themselves to pry open the headgates of Klamath Lake to release water. This has caused the Government to expend approximately \$750,000 guarding the headgates of the Klamath Project from further acts of lawlessness.

Certainly, these funds would have been better spent developing long-term solutions to the water problems in the Klamath Basin.

For the time being, however, recognizing the hard work put into this measure by the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Oregon (Mr. WALDEN), I do urge its adoption.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the mo-

tion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 2828, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001, and for other purposes."

A motion to reconsider was laid on the table.

RONALD REAGAN BOYHOOD HOME NATIONAL HISTORIC SITE

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 400) to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site, and for other purposes, as amended.

The Clerk read as follows:

H.R. 400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RONALD REAGAN BOYHOOD HOME NATIONAL HISTORIC SITE.

(a) ACQUISITION OF PROPERTY.—As soon as practicable after the date of the enactment of this Act, the Secretary shall purchase with donated or appropriated funds, at fair market value and from a willing owner only, fee simple, unencumbered title to the Property and to any personal property related to the Property which the Secretary determines to be appropriate for the purposes of this Act.

(b) ESTABLISHMENT OF HISTORIC SITE.—After the Property is acquired by the Secretary, the Secretary shall designate the Property as the Ronald Reagan Boyhood Home National Historic Site.

(c) LAND DESCRIPTION.—The Secretary shall ensure that a copy of the land description referred to in subsection (f)(2) is on file and available for public inspection in the appropriate offices of the National Park Service.

(d) MANAGEMENT OF HISTORIC SITE.—

(1) COOPERATIVE AGREEMENT.—The Secretary shall enter into a cooperative agreement with the Ronald Reagan Boyhood Home Foundation for the management, operation, and use of the Historic Site. The cooperative agreement shall provide for the preservation of the Property in a manner that preserves the historical significance thereof and upon such terms and conditions as the Secretary considers necessary to protect the interests of the United States.

(2) GENERAL MANAGEMENT PLAN.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with the Ronald Reagan Boyhood Home Foundation, shall complete a general management plan for the Historic Site that defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the Historic Site.

(e) APPLICABILITY OF OTHER LAWS.—The Secretary shall administer the Historic Site

in accordance with the provisions of this Act and the provisions of laws generally applicable to national historic sites, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1-4), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(f) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

(1) HISTORIC SITE.—The term "Historic Site" means the Ronald Reagan Boyhood Home National Historic Site.

(2) PROPERTY.—The term "Property" means the property commonly known as the Ronald Reagan Boyhood Complex located in Dixon, Illinois, (including any structures thereon), further described as follows:

The North Half (N½) of Lot Three (3), Block One Hundred and Three (103), of the original Town (now City) of Dixon, Lee County, Illinois, and more commonly known as 816 South Hennepin Avenue, Dixon, Illinois. (Reagan Boyhood Home)

The South Half (S½) of Lot Two (2), Block One Hundred and Three (103), of the original Town (now City) of Dixon, Lee County, Illinois, and more commonly known as 810 South Hennepin Avenue, Dixon, Illinois. (Visitors Center)

The South two-thirds (S⅔) of Lot Four (4) in Block One Hundred Three (103) in the original Town (now City) of Dixon, Lee County, Illinois, and more commonly known as 821 South Galena Avenue, Dixon, Illinois. (Parking Lot)

The Westerly Ninety feet of the Southerly One half (S½) of Lot 3 in Block 103 in the Town (now City) of Dixon, Lee County, Illinois. (Park with statue of President Reagan)

Legal title to all of the foregoing is: Fifth Third Bank, as successor trustee to First Bank/Dixon (later known as Grand Premier Trust) as trustee under Trust Agreement dated August 15, 1980 and known as Trust No. 440.

Said property is also located within an historical district created by the City of Dixon pursuant to Ordinance No. 1329 dated June 16, 1986 as amended. The historical district was created pursuant to Title VI, Chapter 16 of the City Code of the City of Dixon.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 400, introduced by the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, would authorize and direct the Secretary of the Interior to purchase the site of Ronald Reagan's boyhood home in Dixon, Illinois, at its fair market value and, once acquired, designate it as the Ronald Reagan Boyhood Home National Historic Site.

In addition, the National Park Service would be required to enter into a cooperative agreement with the Ronald Reagan Boyhood Home Foundation, the site's current owner, to operate the new historic site and within 2 years develop a general management plan that

would define the roles of the two parties interpreting and preserving the historic site.

Mr. Speaker, establishing the boyhood home as a National Historic Site will ensure long-term preservation of the museum and its eligibility for funding from the National Park Service. I urge an "aye" vote on the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to state at the outset that I support the pending legislation. Let me assure my colleagues on the Democratic side of the aisle that this bill is much different than other measures that we have seen to purportedly honor former President Reagan.

This measure does not contain the irony of naming an airport after a President whose only claim to fame when it came to aviation was to bust the air traffic controllers union. It does not propose to circumvent all established procedures and force-feed a memorial to him on the Mall, as some have proposed.

Instead, the pending legislation would establish a Ronald Reagan Boyhood Home National Historic Site in the same fashion as we have designated such sites to other former Presidents, for example, the Truman National Historic Site in Independence, Missouri, and the Garfield National Historic Park in Mentor, Ohio.

In this regard, it is a fact that Ronald Reagan resided in this particular home in Dixon, Illinois, during a portion of his teenage years. The home has already been fully restored and is being operated as a museum. So it is fitting that this legislation include this site as a unit of the national park system. It is our hope that this addition will assist those in seeking insight into the former President's life and work.

Let us move forward on this particular designation to Ronald Reagan, but please let it be the last of them, at least in this Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. HEFLEY), a member of the Committee on Resources.

Mr. HEFLEY. Mr. Speaker, I rise in opposition to this bill, not because of its subject matter, but because of the way it is being done.

Seven years ago, I began work on the National Park Service Reform Act. I authored that bill because I believed then, and I believe now, that Park Service units should be designated on the basis of what they are, not because they are the pet project of someone in a powerful position. Instead, they should be the end result of a logical, thoughtful process of evaluation by the Park Service that must maintain them.

This bill before us has none of that. Instead, it straightforwardly des-

ignates the Ronald Reagan Boyhood Home in Decatur, Illinois, as a National Park unit, without study by the Park Service or indeed any real idea of what the Park Service's role in this will be or how they will manage it.

Now, Ronald Reagan is a political and personal hero of mine, and I think Decatur's efforts to preserve his home are a wonderful example of what private citizens can do to preserve something worthwhile. They had this site in tip-top shape and have no problem waiting a year for designation until the Park Service does a study. In fact, they told us that was perfectly fine, to wait the year and do like every other single bill of this nature that came through the committee while I was chairman of the committee was done. Democrat and Republican bills alike, they all went to a study by the Park Service first. These people have no problem with that. That is perfectly all right.

The board members, though, are getting up in years; and they would like the designation as insurance that their work will be continued after they are gone. So they do not want it to string on too long, and I do not either. They are proud of that work, and they should be proud of that work. By looking at them and what they have accomplished, maybe we can see a little of where Ronald Reagan got his beliefs.

So at full committee I offered an amendment to give the Park Service 1 year to study the Ronald Reagan home, again like every other bill of this nature that came through there in the last few months, and then report back to us about how they would manage this site. That amendment was passed unanimously at the Subcommittee on the Park Service markup; but in the full committee they elected to act on the base text because that is the way the Speaker and/or the Speaker's staff wanted it to be acted on, again, violating all the rules we had done for everybody else. It passed the full committee until one Member was persuaded to switch their vote.

Now, I have absolutely no doubt that the Reagan home will be found worthy of National Park designation. But the way it is being done here is an affront to what we have been working for. We have been working for logical processes here, so that someone who just happens to be in the right spot, maybe it is the Committee on Appropriations, maybe it is the Speaker's office, maybe it is the minority leader's office, somebody who happens to be in the right spot can have their way just because they are in the right spot. It should not be that way. There should be a logical process.

So we are working for logical processes, and we are working for fairness. We treated in this committee everybody's suggestions, everybody's ideas, every Democrat's idea, every Republican's idea, with the same evenhanded fairness and the same approach, except this one.

I introduced the Park Reform Act because I believe everybody's ideas

should be judged by the same rules. My ideas should, my colleagues' ideas should, and the Speaker's ideas should. Make no mistake, this bill is before us in this form today only because the Speaker wants it, and that is not right.

For this reason, I must oppose this suspension.

Mr. RADANOVICH. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER), a member of the Committee on Resources.

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, first let me speak to the underlying bill, which I strongly support and have supported since its introduction in the Congress.

Ronald Reagan was not only an inspiration in my life, but many others. His speech for Barry Goldwater is what inspired me to get interested in politics when I was 14 years old. He inspired the bulk of the young conservatives, the middle-aged conservatives, and the older conservatives in America to a philosophy of government. To many of us, he stands as our conservative hero, much like Franklin Roosevelt is for liberals.

Therefore, it is important that we recognize his sites and his importance to a strong political movement in America, not just some of his later sites, but also his early birth sites. For Teddy Roosevelt, we have multiple sites in the Park Service, for Franklin Roosevelt and for Abraham Lincoln and for others on the Mall. It is important that we have recognition for Ronald Reagan as one of those pillars of leadership in American history.

Ronald Reagan's roots are in the Midwest, much like Abraham Lincoln's; and as a member of the Subcommittee on National Parks, Recreation and Public Lands, among many Westerners, let me add a concern that I have. The National Park Service has consistently opposed anything that has come up from the Midwest. We do not have the grand big Rocky Mountains, we do not have the ocean beaches, we do not have a lot of the things that they have in the West; but we do have a fair amount of historic sites. This happened when we got to the Underground Railroad. This has happened with a series of sites that the National Park Service has opposed.

This bill has not moved until this year because it was opposed. Those of us in the Midwest, while we understand that the National Park Service is concerned that we keep adding units to the National Park Service without expending money at the same rate we are expanding units and, therefore, building a backlog; and we understand the concern of the Western States for constantly opposing new things because they are concerned with the backlog that those things are not going to be funded. Those of us in the Midwest, particularly when it comes to sites like Ronald Reagan's boyhood home, have concerns.

I share the concern of our former chairman, the gentleman from Colorado (Mr. HEFLEY), about the proliferation of heritage areas, about the proliferation of sites, whoever wants to stick something in a bill; but this Ronald Reagan Boyhood Home is not that standard. Part of the reason they had to get somebody to switch in full committee was because I was in another markup at the time of it, sprinted over, as did the gentleman from California (Mr. POMBO), and because they managed to get the one person to switch, they did not get our votes. This bill would have passed in the committee had we been there. For that I apologize for any confusion.

But the fact is, this is a deserving bill. We need this site in the Midwest. The Speaker is right to put his weight behind this. I support him in these efforts. We in the Midwest for too long have been shorted. Ronald Reagan deserves these tributes. He deserves these tributes while he is still alive. No one disputes the historic nature of this building or the importance of Dixon, Illinois, and his Midwestern upbringing, to his leadership of America and the values he was anchored in.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

If I might just respond to some of the comments made in opposition to this bill, in particular, by the gentleman from Colorado (Mr. HEFLEY). I do not view this particular legislation as a pet project of a powerful person, regardless of it being the Speaker's bill. I have been contacted, I know, from Democratic Members on my side of the aisle in support of this legislation, including the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Illinois (Mr. COSTELLO).

I happen to believe that it would be a waste of taxpayers' money for the National Park Service to study this matter. The facts are the facts. As I said in my opening statement, Ronald Reagan lived at this site. I do not believe we need a study to determine that. The home has been restored. It is being operated as a museum. So I do not believe that taxpayers' money would necessarily be spent wisely to conduct a study of these very same facts.

I can assure the gentleman from Colorado that I am not being swayed because it is the Speaker's bill. I am on the minority side of the aisle. So I would close and urge adoption of the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTERT. Mr. Speaker, I rise today in support of H.R. 400 which would establish the Ronald Reagan Boyhood Home National Historic Site in Dixon, Illinois. This legislation would allow the Secretary of the Interior to acquire the Reagan boyhood home from the Ronald Reagan Boyhood Home Foundation to ensure that this important historical structure is protected and maintained in perpetuity.

First, I would like to thank Chairman HANSEN, Chairman RADANOVICH, Ranking Member RAHALL, and Ranking Member CHRISTENSEN

for their hard work on behalf of this legislation. I would also like to thank the 154 cosponsors of this legislation, including every member of the Illinois Congressional Delegation.

In my mind, and in the minds of all my colleagues from Illinois, there is no doubt this important property deserves federal recognition. Preservation of properties of historical significance is a necessary and important function of government.

Ronald Reagan occupies a special place in the heart of Northern Illinoisans, to say nothing of the rest of the country. We take great pride in the record of our native son. As our 40th President, Ronald Reagan steered this country through some very difficult times. I am sure many of us can recall the atmosphere in America when he took office in 1981. We were mired in recession, in the midst of a Cold War with the Soviet Union, and there was a real sense that America had seen its better days. By the time President Reagan left office, we were in the middle of unprecedented economic growth, peace and freedom were on the rise in every corner of the globe, and we had experienced a re-birth of the American spirit. Ronald Reagan's belief in limited government, lower taxes, and individual freedom had transformed American politics and re-ignited our spirit of optimism.

Many of us believe that his success as president stems in no small part from his upbringing in Illinois. And, while his path to greatness took him to many places, I believe what he learned growing up in Illinois never left him.

Although born in Tampico, Illinois, Ronald Reagan has always considered Dixon his hometown. In his youth, as it is today, Dixon represents a traditional, rural, Midwestern town. In Dixon, Ronald Reagan attended school, played football, worked as a lifeguard, and developed the values that would shape his future life in politics. In fact, many of the images of Reagan in his youth, which we are all familiar with, were taken in Dixon and the surrounding area.

The history of Ronald Reagan's life in Dixon is typical of most raised in small Midwestern towns. His parents, Nelle and Jack, instilled in him a sense of fair play, duty to others, and a respect for hard work. Ronald Reagan was thirteen when he entered Dixon's Northside High School. At Northside, "Dutch" Reagan played football and basketball, ran track, and performed in school plays. Athletic achievement and theatrical performances in school plays increased his popularity at Northside, and in his senior year, Reagan was elected student body president. As was the custom of the time, yearbooks generally included mottoes written by the student to describe attributes or perspective outlooks. Ronald Reagan's reads "life is just one grand sweet song, so start the music." Ambitious, full of life, and ready to take on the world, Reagan graduated from Northside High School in 1928.

After High School, he was admitted to Eureka College on a partial football scholarship—he lettered in football all four years. Reagan washed dishes at his fraternity house and at the girl's dormitory on campus for spending money. Reagan worked as a lifeguard and swimming coach in the summer months as well. As a freshman, Ronald Reagan was already a proven leader—he organized and led a student strike in protest of the decision by

college administrators to reduce the number of courses offered. The demonstration resulted in the resignation of the college president and a return to the old curriculum. While at Eureka he also made it possible for his older brother Neal, who was then working at cement plant, to go to college by getting him a job, a partial scholarship, and a deal deferring his tuition until after graduation.

The Depression hit Dixon, Illinois especially hard. The Reagan's were forced to sublet their home and live in one room. Jack and Nelle's next-door neighbor at times cooked for them, and handed meals through the window. The Depression had an enormous impact on Ronald Reagan—he often recalled the uncertainty of the times by re-telling the story of his father expecting a bonus check and instead being fired on Christmas Eve 1931. The trying times of the Great Depression touched the lives of every American and the Reagan's were no exception. The charitable kindness received and practiced by the Reagan's helped them to survive and thrive when hard times came.

After college, Ronald Reagan set out on a one-day swing of nearby small-town radio stations where he was offered five dollars and round trip bus fair to broadcast a University of Iowa football game. Early in 1933, World of Chiropractic radio (WOC), a subsidiary of WHO radio in Des Moines, hired him as a full timer announcer for \$100 a month—a lot of money at the time. He had enough money to help his parents and send \$10 a month spending money to his brother Neil while he finished college at Eureka. At first, Reagan's oratory was neither polished, nor very professional but he learned to rehearse and sound spontaneous. As we all know, Reagan's weakness became one of his trademark virtues.

From his job at a small radio station in Iowa Reagan went on to serve in the Army during World War II, become a movie star, president of the Screen Actors Guild, a traveling spokesman for General Electric, Governor of the state of California, and ultimately, President of the United States. Wherever he went, however, he carried the lessons he learned growing up in Dixon, Illinois with him.

I believe that, as a Nation, we must preserve and protect places of historical interest for future generations. The affection, we as a Nation, have for the 40th President of the United States is demonstrated by the fact that so many important things now bear his name—the airport which serves the nation's Capitol, a federal building, and the Navy's newest aircraft carrier.

In my mind, however, there is another important piece of Reagan's life that deserve preservation. I believe that Reagan's life in Dixon, Illinois is critical to understanding the man and the presidency. But don't take my word for it—Take the word of the tens of thousands of visitors who tour his boyhood home every year.

Mr. Speaker, I am proud to represent Ronald Reagan's boyhood home of Dixon, Illinois in Congress and I am proud to sponsor legislation that will ensure that the opportunity to experience the place where he was raised will be available to all Americans for years to come. I urge my colleagues to support this important legislation.

Mrs. BIGGERT. Mr. Speaker, I rise in strong support of H.R. 400, a bill to establish the Ronald Reagan Boyhood Home National Historic Site, in Dixon,

Illinois. This bill would allow the Secretary of the Interior to acquire the Reagan boyhood home to ensure that this important historical structure is protected for future generations to enjoy.

Ronald Reagan holds a special place in the hearts and minds of the citizens of northern Illinois. Many believe that President Reagan was a Californian. But his core values and bold conservatism were the product of a childhood in Illinois.

Ronald Reagan continues today to serve as a model of optimism and hope. In his very first inaugural address, President Reagan set the tone for his eight years in office when he proclaimed that, "no arsenal or no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women."

President Reagan truly was the "Great Communicator." One of my favorite lines of his was when he said that the best view of big government is in the rear view mirror as you're driving away from it. Throughout his presidency, Reagan used his trademark humor and wit to unite a nation, end the Cold War, and restore prosperity. He championed the notion of individual responsibility and accountability.

And most importantly he made people feel good about being proud of our great nation. President Reagan once said that he would like to go down in history as the President who made Americans believe in themselves again.

There is no more appropriate time than now to remember Ronald Reagan, one of our great patriots and most inspired Presidents. There is no better way to do that than to preserve the boyhood home where he spent his formative years. I am proud to support this bill and urge its passage.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 400, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HEALING OPPORTUNITIES IN PARKS AND THE ENVIRONMENT PASS ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2976) to provide for the issuance of a special entrance pass for free admission to any federally owned area which is operated and maintained by a Federal agency and used for outdoor recreation purposes to the survivors, victims' immediate families, and police, fire, rescue, recovery, and medical personnel directly affected by the September 11, 2001, terrorist hi-

jackings and the attacks on the World Trade Center and the Pentagon, and for other purposes.

The Clerk read as follows:

H.R. 2976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Healing Opportunities in Parks and the Environment Pass Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The trauma associated with the terrorist hijackings and attacks of September 11, 2001, has been significant for the survivors, victims' immediate families, and police, fire, rescue, recovery, and medical personnel directly involved in this national tragedy.

(2) America's system of national parks, forests, and public lands provides significant opportunities to renew, refresh, and strengthen the physical, mental, and spiritual well-being of those who use them.

(b) PURPOSE.—It is the purpose of this Act to help those directly impacted by the tragic events of September 11, 2001, by enhancing opportunities for the use of America's national parks, forests, and public lands as a means of aiding in their recovery from the trauma associated with these tragic events.

SEC. 3. HOPE PASS.

(a) ISSUANCE.—The Secretary of the Interior shall make available at no cost to qualified individuals a special entrance pass which shall be known as the "Hope Pass" and shall provide for free admission into any federally owned area which is operated and maintained by a Federal agency and used for outdoor recreation purposes.

(b) QUALIFIED INDIVIDUALS.—A qualified individual shall be—

(1) an individual who was present at the World Trade Center, the Pentagon, or the site of the aircraft crash at Shanksville, Pennsylvania, at the time, or in the immediate aftermath of the terrorist-related aircraft crashes of September 11, 2001;

(2) an individual who had an immediate family member killed as a direct result of the terrorist-related aircraft crashes of September 11, 2001; or

(3) any police, fire, rescue, recovery, or medical personnel who directly responded to the terrorist-related aircraft crashes of September 11, 2001.

(c) CONDITIONS.—Each Hope Pass shall—

(1) be issued upon acceptance by the Secretary of the Interior of an application from a qualified applicant which shall include a signed statement attesting to the applicant's eligibility for the pass;

(2) be valid for the life of the qualified pass holder; and

(3) provide free admission to qualified pass holders and their immediate family when accompanied by the qualified pass holder.

(d) NONELIGIBILITY.—No individual identified by the Attorney General of the United States to have been a participant or conspirator in the terrorist-related aircraft crashes of September 11, 2001, or their family shall be eligible to receive a Hope Pass.

□ 1715

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2976, the Healing Opportunities in our Parks and Environment Act, was introduced by the gentleman from West Virginia (Mr. RAHALL).

September 11 is a day not one of us will ever forget. The events of that day are seared deep into our memories. Each one of us will recall where we were, what we were doing, and how the events of the day impacted us personally.

Some, of course, were impacted more directly. Many lost family members, were injured, or narrowly escaped harm; or because in the course of carrying out their duties as medical or rescue workers, were called upon to aid survivors and victims. As a Nation, we deeply appreciate the great sacrifices made as a consequence of the events of September 11.

Following these tragic and emotional events, many have sought refuge in the natural beauty of America's natural parks and public lands. These lands have the ability to serve, at least in part, as a healing opportunity to those who were most affected by these terrible events.

H.R. 2976 would create a new HOPE pass to authorize entry into our federally owned parks and public land for victims, families, survivors, and medical and rescue personnel and their immediate families when accompanied by a holder. Some think this new pass can serve in some small measure as an attempt to help heal the wounds of this tragic event. I urge an "aye" vote on the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the gentleman from California (Mr. RADANOVICH) and thank him for his help on this legislation. He is the chairman of the subcommittee. I would like to thank the chairman of the full committee, the gentleman from Utah (Mr. HANSEN), for his support, as well.

Over the last 2 months, Members of Congress have stepped outside party boundaries, joining together and unanimously supporting millions of dollars in aid to victims, families, and rescue workers affected by the September 11 attacks.

However, in addition to financial assistance, I believe it is important for us to provide other forms of relief for these victims and their families during the grieving and recovery process.

In times of crisis, many of us find solace in our religion. In addition, we can find solace in that great cathedral of nature. That is the premise of this bill, the Healing Opportunities in the Parks and Our Environment, or HOPE, Act.

Simply put, this legislation would direct the Secretary of the Interior to create a program under which the survivors and families of the victims of

the attacks on the World Trade Center and the Pentagon, as well as the emergency personnel who responded to that crisis, may visit our national parks, forests, and public lands free of charge.

This program is modeled after what is known as the Golden Eagle Pass, with the exception that it would be valid for a lifetime.

Ralph Waldo Emerson said, "Nature is a symbol of the spirit," and "Nature turns all malfeasance to good." There may come a time when a fireman, a nurse, or a survivor who has seen far too much pain and suffering may decide that a day at the lake with his or her family would provide welcome relief.

Let us continue to aid these victims and family members as we already have financially. Let us provide them Emerson's symbol of spirit to aid in their healing. In this way, we can strive to keep hope alive in the wake of the tragic events of September 11, and indeed, of only yesterday, when an airliner once again went down in New York City, as we recover and we rebuild.

Mr. Speaker, I urge adoption of the legislation, and I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 2976.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2828, H.R. 400, and H.R. 2976, the three bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EMERGENCY SECURITIES RESPONSE ACT OF 2001

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3060) to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission.

The Clerk read as follows:

H.R. 3060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Securities Response Act of 2001".

SEC. 2. EXTENSION OF EMERGENCY ORDER AUTHORITY OF THE SECURITIES EXCHANGE COMMISSION.

(a) EXTENSION OF AUTHORITY.—Paragraph (2) of section 12(k) of the Securities Ex-

change Act of 1934 (15 U.S.C. 78l(k)(2)) is amended to read as follows:

"(2) EMERGENCY ORDERS.—(A) The Commission, in an emergency, may by order summarily take such action to alter, supplement, suspend, or impose requirements or restrictions with respect to any matter or action subject to regulation by the Commission or a self-regulatory organization under the securities laws, as the Commission determines is necessary in the public interest and for the protection of investors—

"(i) to maintain or restore fair and orderly securities markets (other than markets in exempted securities);

"(ii) to ensure prompt, accurate, and safe clearance and settlement of transactions in securities (other than exempted securities); or

"(iii) to reduce, eliminate, or prevent the substantial disruption by the emergency of (I) securities markets, investment companies, or any other significant portion or segment of such markets, or (II) the transmission or processing of securities transactions.

"(B) An order of the Commission under this paragraph (2) shall continue in effect for the period specified by the Commission, and may be extended. Except as provided in subparagraph (C), the Commission's action may not continue in effect for more than 30 business days, including extensions. If the actions described in subparagraph (A) involve a security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission. In exercising its authority under this paragraph, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code, or with the provisions of section 19(c) of this title.

"(C) An order of the Commission under this paragraph (2) may be extended to continue in effect for more than 30 business days if, at the time of the extension, the Commission finds that the emergency still exists and determines that the continuation of the order beyond 30 business days is necessary in the public interest and for the protection of investors to attain an objective described in clause (i), (ii), or (iii) of subparagraph (A). In no event shall an order of the Commission under this paragraph (2) continue in effect for more than 90 calendar days."

(b) DEFINITION OF EMERGENCY.—Paragraph (6) of section 12(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(k)(6)) is amended to read as follows:

"(6) DEFINITION OF EMERGENCY.—For purposes of this subsection, the term 'emergency' means—

"(A) a major market disturbance characterized by or constituting—

"(i) sudden and excessive fluctuations of securities prices generally, or a substantial threat thereof, that threaten fair and orderly markets; or

"(ii) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in securities, or a substantial threat thereof; or

"(B) a major disturbance that substantially disrupts, or threatens to substantially disrupt—

"(i) the functioning of securities markets, investment companies, or any other significant portion or segment of the securities markets; or

"(ii) the transmission or processing of securities transactions."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3060, the Emergency Securities Response Act. This legislation will provide the Securities and Exchange Commission with a vitally important tool to ensure the continued health and operation of our Nation's financial marketplace in the event of an emergency that threatens our securities markets, as did the attacks on September 11, 2001.

September 11 was a dark day in our Nation's history. The terrorist attacks inflicted great human and physical loss in our country and, in particular, in New York City, the financial capital of the world.

The damage to lower Manhattan, home of the world's largest stock market and the heart of our Nation's financial marketplace, suspended the operation of the U.S. equities markets for the longest period since World War I.

Mr. Speaker, those were indeed 4 days in which traders were incapable of getting to those markets; and our discussions up there with the major players, the New York Stock Exchange, the NASDAQ, the American Stock Exchange, indicated how severe the damage was, particularly for the inability of the traders of the New York Stock Exchange to even get physically into the exchange, not to mention, of course, the problems that they had with the electrical systems and with the telephone system.

Had it not been for the hard work of Verizon with the power company, with all people working at NASDAQ and in the New York Stock Exchange and the American Stock Exchange, literally they would have been unable to open even that Monday after September 11.

I had the honor to appear in New York with the Treasury Secretary and the Chairman of the Securities and Exchange Commission to witness the reopening and closing of the markets that day, and it was a proud day for all Americans that those markets were up and running, providing the kind of liquidity and the kind of market activity that we have come to expect from those great markets.

To facilitate the successful reopening of those equities markets, the Securities and Exchange Commission used, for the first time, emergency powers granted in the wake of the market crash of 1987 to ease certain regulatory restrictions temporarily. The measures the Commission took helped to increase liquidity and promote stability.

The Commission and its Chairman, Harvey Pitt, along with the financial markets and firms based in New York, as well as those outside New York, who pitched in to help their competitors and colleagues, deserve special recognition for their efforts in restoring normalcy to those markets.

However, the Commission's emergency authority under current law is unnecessarily and dangerously restrictive. For example, that authority permits the Commission to provide emergency relief for only 10 business days, and is limited to the Securities and Exchange Act of 1934, only one of the several Federal securities laws.

This authority should be flexible enough to be useful where relief is necessary for a longer period of time, or under Federal securities laws other than the Exchange Act.

I am pleased to bring to the floor legislation that will accomplish those goals. H.R. 3060, the Emergency Securities Response Act, will enhance the Commission's authority to take actions in the wake of an emergency to reduce, eliminate, or prevent a substantial disruption of the securities markets or investment company operations.

This bipartisan legislation, introduced with the committee's ranking member, the gentleman from New York (Mr. LAFALCE), extends the maximum duration of an SEC emergency order to 30 business days, and under certain circumstances, up to a total of 90 calendar days.

It also extends the Commission's emergency authority to apply to all the Federal securities laws.

I want to explain to the Members, Mr. Speaker, that it was only because of the efforts, just to use one example, the emergency powers in regard to corporate buy-backs, that it was decided by the Chairman of the SEC, and I think wisely, that he should use his emergency authority to suspend certain regulations as it related to the ability of corporations to buy back their own stock.

The fact is that by doing so, he was able to stabilize the market. Those people who were selling stocks short on the first day of trading after it opened up had to be concerned and wary about the prospects that those corporations could come in and buy back their stock, stabilize those stock prices, and indeed, perhaps make life difficult for the short sellers. Indeed, in many cases, that is exactly what happened.

While the markets were down on that particular day by some 600 points in the case of the New York Stock Exchange, they were able to trade effectively, and the liquidity was there in the marketplace. As a matter of fact, the markets that day handled a record volume of trades without a glitch; again, I think testament to the ingenuity and the hard work of those people in the marketplace. So my hat is off to all of those people for their good work, and my hat is also off to the SEC

for taking the leadership in this important issue.

While I hope this authority will never have to be used, and all of us share that, it is a safety measure our financial markets simply cannot do without. I urge all of my colleagues to support H.R. 3060.

Mr. Speaker, I am including for the RECORD an exchange of correspondence between myself and the Chairman of the Committee on Energy and Commerce regarding this legislation:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 13, 2001.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: It is my understanding that the Committee on Financial Services desires to consider H.R. 3060, the Emergency Securities Response Act of 2001, on the House floor under suspension of the Rules in the near future.

Recognizing your desire to act on H.R. 3060 expeditiously, my Committee will not seek a sequential referral of the bill when you file your report. In exchange, I request that your Committee not seek a sequential referral of H.R. 1101, the Public Utility Holding Company Act of 2001, should it be reported in a form substantially similar to the introduced bill, or seek a referral of comparable legislation designed to restructure the electricity industry, should such legislation be introduced or reported.

I would appreciate your written response to this request.

Sincerely,

W.J. "BILLY" TAUZIN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, November 13, 2001.

Hon. W. J. "BILLY" TAUZIN,
Chairman, Committee on Energy and Commerce,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN TAUZIN: Thank you for your letter concerning H.R. 3060.

I appreciate your agreeing not to pursue a sequential referral of this legislation. In exchange, my Committee will not seek a sequential referral of H.R. 1101, the Public Utility Holding Company Act of 2001, should it be reported in a form substantially similar to the introduced bill, or seek a referral of comparable legislation designed to restructure the electricity industry, should such legislation be introduced or reported.

Again, thank you for consideration.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill. First of all, I want to say that I agree fully with every word spoken by the distinguished chairman of the Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY). The SEC played a very crucial role in the recovery of our financial markets from the devastating effects of the attacks of September 11.

In addition to the important role the Commission played in coordinating market participants throughout the

crisis, the emergency orders issued by the SEC helped provide needed liquidity and stability to the markets and market participants.

□ 1730

The actions of the SEC helped to ensure an orderly reopening of markets, something that was in the interests of our economy and of all investors. While the SEC used the emergency authority available to it very effectively after September 11, I believe this authority would be strengthened by allowing the SEC to extend emergency actions beyond the 10 business days allowed under current law.

I was concerned after September 11 as to whether the emergency authority available to the SEC was adequate. I expressed these concerns when the Chairman of the SEC, Harvey Pitt, appeared before our Committee on Financial Services on September 26 on the status of the recovery.

The Chairman told the committee that enhancements to the SEC's authority would be useful in enabling it to respond effectively to emergencies. The formal legislative request he later submitted asked that we provide the Commission with additional emergency authority to respond to any future crisis both by extending the potential length of emergency orders and by extending the authority to clearly cover all of the Federal securities loss.

Our Committee on Financial Services worked with the Commission to craft an appropriate framework for any future emergency actions that the SEC may need to take.

The bill permits the SEC to issue emergency orders for 30 business days, which I believe will give it the flexibility needed to ensure that it can respond in a timely and effective manner to any future situation. To issue an emergency order, the SEC will have to find that an emergency exists, that an emergency order is necessary in the public interest and for the protection of investors, and that it is necessary to restore fair and orderly markets, that it is necessary to ensure prompt and accurate securities clearance and settlement, or to prevent substantial disruption to the securities markets or portions of such markets.

Further, our bill provides the Commission with the authority in limited circumstances to extend the emergency orders for an additional 90 days upon a finding that the emergency continues to exist, and that extension of the order continues to be necessary in the public interest.

As became clear after September 11, serious disruptions in communications, computer systems, transportation, and many other systems, as well as physical damage to facilities, can have a profound impact on the securities market and market participants. This bill will give the SEC an expanded set of tools to deal with such emergencies throughout the securities markets no matter what the underlying cause of the emergency may be.

Mr. Speaker, I want to commend all the members of committee, the staff of our committee, both Republican and Democrat, and the staff and members of the SEC. I urge everyone to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I am awaiting the subcommittee chairman, the gentleman from Louisiana (Mr. BAKER) who has indicated he would come over to the floor.

If I could inquire of the Chair as to how much time is remaining on this side.

The SPEAKER pro tempore (Mr. CULBERSON). The gentleman from Ohio (Mr. OXLEY) has 14 minutes remaining. The gentleman from New York (Mr. LAFALCE) has 16 minutes remaining.

Mr. MARKEY. Mr. Speaker, I rise in reluctant opposition to H.R. 3060, the Emergency Securities Response Act.

This legislation amends a provision that I authored, which the Congress approved as part of the H.R. 3657, Market Reform Act of 1990, to give the SEC the power to suspend trading of securities and to issue emergency orders consistent with the public interest and the protection of investors (See CONGRESS RECORD, September 28, 1990, at H8376–8383). This provision grew out of the investigations that the Subcommittee on Telecommunications and Finance, which I then chaired, carried out into the 1987 stock market crash. One of the things we found was that the SEC lacked many of the types of emergency authorities that the CFTC had, and we felt it was desirable that they be granted broader emergency authorities.

My objection to the legislation is not that it expands the SEC's authority to suspend trading or issue emergency orders from 10 days up to 30 days, with further extensions of up to 90 days possible. Indeed, in an earlier version of this legislation (H.R. 4997, introduced in 1988, I had actually proposed allowing the SEC to exercise its emergency authorities for periods of up to 30 days). So, I have no problem with doing so today.

Instead, my concerns about the bill we are debating today is that it expands the range of coverage of this emergency provision from the Securities Exchange Act of 1934 to the full range of federal securities laws. This has the effect of expanding coverage of the provision to cover all the federal securities laws. And while there may be some good reasons to extend these authorities to the Securities Act of 1933, the Investment Company Act of 1940, the Investment Advisors Act of 1940, the Trust Indenture Act of 1939, and the Securities Investors Protection Act of 1970, I believe that the effect of this provision is to extend the reach of section 12(k) of the Securities Exchange Act of 1934 (15 U.S.C. 781(k)(2)) to allow the SEC to issue exemptions from the Public Utilities Holding Company Act of 1935 (known as "PUHCA"), which regulates the activities of large, multi-state, electric or natural gas holding companies.

While the Financial Services Committee may successfully have absconded with the Energy and Commerce Committee's securities jurisdiction, the last time I checked PUHCA was within the jurisdiction of the Energy and Commerce Committee. Our Committee has

held no hearings or had any other process with respect to whether granting the SEC emergency powers to grant exemptions to PUHCA was warranted or in the public interest. Given the Commission's rather shoddy record in recent years of administering the Act, I am not comfortable with granting such an exemption today. I am particularly concerned when I have seen no justification from the SEC or its staff for giving the SEC such authority, no analysis of the possible impact of this on PUHCA or on our nation's electricity or natural gas markets, and no indication that the lack of such authority has posed any problems for PUHCA-companies post-September 11.

I would also note that while H.R. 3060 has provisions requiring the SEC to consult with and consider the views of the CFTC whenever exercising its emergency authorities with respect to a stock-index future, there is no similar requirement with respect to the FERC when PUHCA is concerned. Given the fact that PUHCA and the Federal Power Act were passed simultaneously, and that both laws deal with regulation of energy markets, such consultation may be needed in this area as well. We at least should have been given the chance to consider it.

At the very minimum, the Energy and Commerce Committee should have been given a referral of this bill so that it could consider the need for this provision and any amendments to it affecting matters within our jurisdiction. I have been informed that in lieu of such a referral, the Majority may have exchanged letters on this matter. However, no one on the Minority of the Committee has been granted access to these letters, so I have no idea what they say or whether the Committee's substantive and jurisdictional interests have been preserved.

This is not the proper way to legislate. I object to bringing up this bill today.

Mr. LAFALCE. Mr. Speaker, I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3060.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2330, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 2330, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. BONILLA. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, November 8, 2001, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 9, 2001, at page H7962.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. BONILLA) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House today the conference report on H.R. 2330, providing appropriations for Agriculture, Rural Development, the Food and Drug Administration and Related Agencies for fiscal year 2002.

Mr. Speaker, I want to acknowledge the good work of my friend, the gentlewoman from Ohio (Ms. KAPTUR), my ranking member who has contributed greatly to this process. It has been a real pleasure working with her and all the members of the subcommittee in getting to this point today. It has really been a pleasure, and I want to acknowledge that as we present this conference report.

Mr. Speaker, I believe we have produced a good, bipartisan conference agreement that does a lot to advance important nutrition, research and rural development programs and still meet our conference allocations on discretionary and mandatory spending. My goal this year has been to produce a bipartisan bill, and I believe we have done a good job in reaching that goal.

This conference agreement does have significant increases over fiscal year 2001 for programs that have always enjoyed strong bipartisan support, and they include: Agriculture Research Service, \$83 million for salaries and expenses and \$45 million for buildings and facilities; Cooperative State Research Education and Extension Service, \$45 million; Animal and Plant Health Inspection Service, \$83 million; Food Safety and Inspection Service, \$20 million; Farm Service Agency, \$240 million; Federal Crop Insurance Corporation Fund \$232 million; Natural Resources Conservation Service, \$55 million; Rural Economic and Community Development Programs, \$101 million;

Domestic Food Programs, \$3.7 billion, including the Food Stamp Program, \$1.9 billion in reserve to respond to economic conditions; and WIC, \$305 million to respond to economic conditions that may worsen; the Foreign Assistance and Related Programs including Public Law 480, \$34 million; and the Food and Drug Administration, \$120 million.

Mr. Speaker, we all refer to this bill as an "agriculture bill," but it does far more than assist basic agriculture. It also supports human nutrition, the environment, and food and drug and medical safety. This is a bill that will deliver benefits to every one of our citizens every day.

I would say to all Members, if they can support this conference agreement, they can tell all of their constituents that they voted to improve their lives while maintaining fiscal responsibility.

The conference agreement is a bipartisan product with a lot of hard work and input from both sides of the aisle. I would like to thank my friend, the gentleman from Florida (Mr. YOUNG),

chairman of the full Committee on Appropriations, as well as the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations, who put in a lot of hard work and contributed to this effort.

Mr. Speaker, I would also like to thank all of my subcommittee colleagues, the gentleman from New York (Mr. WALSH), the gentleman from Georgia (Mr. KINGSTON), the gentleman from Washington (Mr. NETHERCUTT), the gentleman from Iowa (Mr. LATHAM), the gentlewoman from Missouri (Mrs. EMERSON), the gentleman from Virginia (Mr. GOODE), the gentleman from Illinois (Mr. LAHOOD), the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from New York (Mr. HINCHEY), the gentleman from California (Mr. FARR), and the gentleman from Florida (Mr. BOYD).

Mr. Speaker, I would again like to single out in particular the ranking member, who has put so much effort into this bill, and my friend, the gen-

tlewoman from Ohio (Ms. KAPTUR), for all her hard work.

Mr. Speaker, we have tried our best to put together a good, solid bill that works for all of America. Much of it is compromise, to be sure, but I believe it is a good compromise and good policy.

In closing, I would also like to thank the subcommittee staff for all of their hard work. None of this could get done without the strong, good commitment, the hard work that the staff puts in day in and day out: Hank Moore, the subcommittee clerk; Martin Delgado; Maureen Holohan; Joanne Orndorff; Leslie Barrack; Martha Foley of the staff of the gentleman for Wisconsin (Mr. OBEY), and Jim Richards, a great American, who is in my personal Congressional office. Without their good work we would not have a bill here today.

Mr. Speaker, I would urge all of my colleagues to support this conference agreement.

Mr. Speaker, I include at this point in the RECORD tabular material related to this bill.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2330)
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing, and Marketing						
Office of the Secretary	2,908	2,992	3,015	2,992	2,992	+84
Supplemental appropriations (P.L. 107-20)	3,000					-3,000
Executive Operations:						
Chief Economist	7,446	7,648	7,704	7,648	7,704	+258
National Appeals Division	12,394	12,766	12,869	12,766	12,869	+475
Office of Budget and Program Analysis	6,750	6,978	7,041	6,978	7,041	+291
Office of the Chief Information Officer	10,029	10,261	10,325	10,261	10,029	
Common computing environment	39,912	59,369	59,369	59,369	59,369	+19,457
Office of the Chief Financial Officer	5,160	5,335	5,384	5,335	5,384	+224
Total, Executive Operations	81,691	102,357	102,692	102,357	102,396	+20,705
Office of the Assistant Secretary for Administration	628	647	652	647	647	+19
Agriculture buildings and facilities and rental payments	182,345	187,581	177,647	187,581	187,647	+5,302
Payments to GSA	(125,266)	(130,266)	(130,266)	(130,266)	(130,266)	(+5,000)
Building operations and maintenance	(31,136)	(31,372)	(31,438)	(31,372)	(31,438)	(+302)
Repairs, renovations, and construction	(25,943)	(25,943)	(15,943)	(25,943)	(25,943)	
Hazardous materials management	15,665	15,665	15,665	15,665	15,665	
Departmental administration	35,931	37,079	37,398	37,079	37,079	+1,148
Outreach for socially disadvantaged farmers	2,993	2,993	3,493	3,493	3,243	+250
Office of the Assistant Secretary for Congressional Relations	3,560	3,684	3,718	3,684	3,718	+158
Office of Communications	8,604	8,894	8,975	8,894	8,894	+290
Office of the Inspector General	68,715	70,839	71,429	70,839	70,839	+2,124
Office of the General Counsel	31,012	32,627	32,937	32,627	32,627	+1,615
Office of the Under Secretary for Research, Education and Economics	555	573	578	573	573	+18
Economic Research Service	66,891	67,200	67,620	67,200	67,200	+309
National Agricultural Statistics Service	100,550	113,786	114,546	113,786	113,786	+13,236
Census of Agriculture	(14,967)	(25,350)	(25,456)	(25,350)	(25,350)	(+10,383)
Agricultural Research Service	896,835	915,591	971,365	999,438	979,464	+82,629
Buildings and facilities	74,037	30,462	78,862	99,625	118,987	+44,950
Total, Agricultural Research Service	970,872	946,053	1,050,227	1,099,063	1,098,451	+127,579
Cooperative State Research, Education, and Extension Service:						
Research and education activities	505,079	407,319	507,452	542,842	542,062	+36,983
Native American Institutions Endowment Fund	(7,100)	(7,100)	(7,100)	(7,100)	(7,100)	
Extension activities	432,475	413,404	436,029	433,546	439,473	+6,998
Integrated activities	41,849	41,849	43,355	42,350	42,853	+1,004
Total, Cooperative State Research, Education, and Extension Service	979,403	862,572	986,836	1,018,738	1,024,388	+44,985
Office of the Under Secretary for Marketing and Regulatory Programs	634	654	660	654	654	+20
Animal and Plant Health Inspection Service:						
Salaries and expenses	529,397	702,925	587,386	602,754	620,490	+91,093
Supplemental appropriations (P.L. 107-20)	5,000					-5,000
AQI user fees	(84,813)	(84,813)	(84,813)	(84,813)	(84,813)	
Buildings and facilities	9,848	5,189	7,189	5,189	7,189	-2,659
Total, Animal and Plant Health Inspection Service	544,245	708,114	594,575	607,943	627,879	+83,434
Agricultural Marketing Service:						
Marketing Services	65,191	71,430	71,774	71,430	71,430	+6,239
Standardization user fees	(4,000)	(5,000)	(5,000)	(5,000)	(5,000)	(+1,000)
(Limitation on administrative expenses, from fees collected)	(60,596)	(60,596)	(60,596)	(60,596)	(60,596)	
Funds for strengthening markets, income, and supply (transfer from section 32)	13,438	13,874	13,995	13,874	13,995	+557
Payments to states and possessions	1,347	1,347	1,347	1,347	1,347	
Total, Agricultural Marketing Service	79,976	86,651	87,116	86,651	86,772	+6,796
Grain Inspection, Packers and Stockyards Administration:						
Salaries and expenses	31,350	32,907	33,117	34,000	33,117	+1,767
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)	(42,463)	(42,463)	
Office of the Under Secretary for Food Safety	459	476	481	476	476	+17
Food Safety and Inspection Service	695,171	715,542	720,652	715,747	715,642	+20,471
Lab accreditation fees 1/	(998)	(1,000)	(1,000)	(1,000)	(1,000)	(+2)
Total, Food Safety and Inspection Service	695,171	715,542	720,652	715,747	715,642	+20,471
Total, Production, Processing, and Marketing	3,907,158	3,999,886	4,113,529	4,210,689	4,234,485	+327,327
Farm Assistance Programs						
Office of the Under Secretary for Farm and Foreign Agricultural Services	588	606	611	606	606	+18

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Farm Service Agency:						
Salaries and expenses	826,563	939,030	945,993	939,030	939,030	+112,467
(Transfer from export loans)	(588)	(790)	(797)	(790)	(790)	(+202)
(Transfer from P.L. 480)	(813)	(972)	(980)	(972)	(972)	(+159)
(Transfer from ACIF)	(264,731)	(272,595)	(274,769)	(272,595)	(274,769)	(+10,038)
Subtotal, Transfers from program accounts.....	(266,132)	(274,357)	(276,546)	(274,357)	(276,531)	(+10,399)
Total, salaries and expenses	(1,092,695)	(1,213,387)	(1,222,539)	(1,213,387)	(1,215,561)	(+122,866)
State mediation grants	2,993	2,993	2,993	3,993	3,493	+500
Dairy indemnity program.....	450	100	100	100	100	-350
Agricultural conservation program (supplemental appropriations, P.L. 107-20).....	-45,000					+45,000
Subtotal, Farm Service Agency	785,006	942,123	949,086	943,123	942,623	+157,617
Agricultural Credit Insurance Fund Program Account:						
Loan authorizations:						
Farm ownership loans:						
Direct.....	(127,722)	(128,000)	(128,000)	(146,996)	(146,996)	(+19,274)
Guaranteed.....	(868,086)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(+131,914)
Subtotal.....	(995,808)	(1,128,000)	(1,128,000)	(1,146,996)	(1,146,996)	(+151,188)
Farm operating loans:						
Direct.....	(522,891)	(600,000)	(600,000)	(611,198)	(611,198)	(+88,307)
Unsubsidized guaranteed	(1,075,468)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(+424,532)
Subsidized guaranteed	(369,100)	(500,000)	(500,000)	(505,531)	(505,531)	(+136,431)
Subtotal.....	(1,967,459)	(2,600,000)	(2,600,000)	(2,616,729)	(2,616,729)	(+649,270)
Indian tribe land acquisition loans	(2,002)	(2,000)	(2,000)	(2,000)	(2,000)	(-2)
Emergency disaster loans	(24,947)	(25,000)	(25,000)	(25,000)	(25,000)	(+53)
Boll weevil eradication loans	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	
Total, Loan authorizations	(3,090,216)	(3,855,000)	(3,855,000)	(3,890,725)	(3,890,725)	(+800,509)
Loan subsidies:						
Farm ownership loans:						
Direct.....	13,756	3,366	3,366	3,866	3,866	-9,890
Guaranteed.....	4,427	4,500	4,500	4,500	4,500	+73
Subtotal.....	18,183	7,866	7,866	8,366	8,366	-9,817
Farm operating loans:						
Direct.....	47,251	53,580	53,580	54,580	54,580	+7,329
Unsubsidized guaranteed	14,738	52,650	52,650	52,650	52,650	+37,912
Subsidized guaranteed	30,119	67,800	67,800	68,550	68,550	+38,431
Subtotal.....	92,108	174,030	174,030	175,780	175,780	+83,672
Indian tribe land acquisition	322	118	118	118	118	-204
Emergency disaster loans	6,120	3,363	3,363	3,363	3,363	-2,757
Total, Loan subsidies.....	116,733	185,377	185,377	187,627	187,627	+70,894
ACIF expenses:						
Salaries and expense (transfer to FSA)	264,731	272,595	274,769	272,595	272,595	+7,864
Administrative expenses.....	4,130	8,000	8,000	8,000	8,000	+3,870
Total, ACIF expenses.....	268,861	280,595	282,769	280,595	280,595	+11,734
Total, Agricultural Credit Insurance Fund	385,594	465,972	468,146	468,222	468,222	+82,628
(Loan authorization)	(3,090,216)	(3,855,000)	(3,855,000)	(3,890,725)	(3,890,725)	(+800,509)
Total, Farm Service Agency.....	1,170,600	1,408,095	1,417,232	1,411,345	1,410,845	+240,245
Risk Management Agency.....	65,453	74,752	75,142	73,752	74,752	+9,299
Total, Farm Assistance Programs.....	1,236,641	1,483,453	1,492,985	1,485,703	1,486,203	+249,562
Corporations						
Federal Crop Insurance Corporation:						
Federal crop insurance corporation fund	2,804,660	3,037,000	3,037,000	3,037,000	3,037,000	+232,340

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Commodity Credit Corporation Fund:						
Reimbursement for net realized losses.....	25,264,441	23,116,000	23,116,000	23,116,000	23,116,000	-2,148,441
Operations and maintenance for hazardous waste management (limitation on administrative expenses).....	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	.....
Total, Corporations.....	28,069,101	26,153,000	26,153,000	26,153,000	26,153,000	-1,916,101
Total, title I, Agricultural Programs	33,212,900	31,636,339	31,759,514	31,849,392	31,873,688	-1,339,212
(By transfer)	(266,132)	(274,357)	(276,546)	(274,357)	(276,531)	(+10,399)
(Loan authorization)	(3,090,216)	(3,855,000)	(3,855,000)	(3,890,725)	(3,890,725)	(+800,509)
(Limitation on administrative expenses).....	(108,059)	(108,059)	(108,059)	(108,059)	(108,059)	.....
TITLE II - CONSERVATION PROGRAMS						
Office of the Under Secretary for Natural Resources and Environment	709	730	736	730	730	+21
Natural Resources Conservation Service:						
Conservation operations	712,545	773,454	782,762	807,454	779,000	+66,455
Watershed surveys and planning	10,844	10,960	11,030	10,960	10,960	+116
Watershed and flood prevention operations.....	99,224	100,413	111,143	100,413	106,590	+7,366
Supplemental appropriations (P.L. 107-20)	35,500	.....	.....	.....	.....	-35,500
Watershed rehabilitation program.....	.....	.....	.....	10,000	10,000	+10,000
Resource conservation and development.....	41,923	43,048	48,361	48,048	48,048	+6,125
Forestry incentives program	6,311	.....	.....	7,811	6,811	+500
Agricultural Conservation Program (rescission) .....	.....	.....	-45,000	.....	.....	.....
Total, Natural Resources Conservation Service	906,347	927,875	908,296	984,686	961,409	+55,062
Total, title II, Conservation Programs.....	907,056	928,605	909,032	985,416	962,139	+55,083
TITLE III - RURAL DEVELOPMENT PROGRAMS						
Office of the Under Secretary for Rural Development.....	604	623	628	623	623	+19
Rural Development:						
Rural community advancement program	760,864	692,125	767,465	1,004,125	806,557	+45,693
(By transfer) .....	.....	.....	.....	(13,000)	.....	.....
RD expenses:						
Salaries and expenses	130,084	133,722	134,733	133,722	133,722	+3,638
(Transfer from RHIF)	(408,333)	(419,741)	(422,910)	(422,241)	(422,241)	(+13,908)
(Transfer from RDLFP)	(3,632)	(3,733)	(3,761)	(3,733)	(3,733)	(+101)
(Transfer from RETLP)	(34,640)	(35,804)	(36,322)	(36,000)	(36,000)	(+1,360)
(Transfer from RTB)	(2,993)	(3,082)	(3,107)	(3,082)	(3,082)	(+89)
(Transfer from TLP) .....	.....	.....	.....	(2,000)	(2,000)	(+2,000)
Total, RD expenses.....	(579,682)	(595,882)	(600,833)	(600,778)	(600,778)	(+21,096)
Total, Rural Development	890,948	825,847	902,198	1,137,847	940,279	+49,331
Rural Housing Service:						
Rural Housing Insurance Fund Program Account:						
Loan authorizations:						
Single family (sec. 502)	(1,071,628)	(1,064,650)	(1,064,650)	(1,095,046)	(1,079,848)	(+8,220)
Unsubsidized guaranteed	(3,136,429)	(3,137,968)	(3,137,968)	(3,137,968)	(3,137,968)	(+1,539)
Subtotal, Single family.....	(4,208,057)	(4,202,618)	(4,202,618)	(4,233,014)	(4,217,816)	(+9,759)
Housing repair (sec. 504)	(32,324)	(32,324)	(32,324)	(32,324)	(32,324)	.....
Rental housing (sec. 515).....	(114,070)	(114,068)	(114,068)	(114,068)	(114,068)	(-2)
Site loans (sec. 524)	(5,152)	(5,090)	(5,090)	(5,090)	(5,090)	(-62)
Multi-family housing guarantees (sec. 538)	(99,780)	(99,770)	(99,770)	(99,770)	(99,770)	(-10)
Multi-family housing credit sales	(1,779)	(1,778)	(1,778)	(1,778)	(1,778)	(-1)
Single family housing credit sales.....	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	.....
Self-help housing land development fund.....	(4,998)	(5,000)	(5,000)	(5,000)	(5,000)	(+2)
Total, Loan authorizations	(4,476,160)	(4,470,648)	(4,470,648)	(4,501,044)	(4,485,846)	(+9,686)
Loan subsidies:						
Single family (sec. 502)	176,371	140,108	140,108	144,108	142,108	-34,263
Unsubsidized guaranteed	7,384	40,166	40,166	40,166	40,166	+32,782
Subtotal, Single family.....	183,755	180,274	180,274	184,274	182,274	-1,481
Housing repair (sec. 504)	11,456	10,386	10,386	10,386	10,386	-1,070
Rental housing (sec. 515).....	56,202	48,274	48,274	48,274	48,274	-7,928
Site loans (sec. 524) .....	.....	28	28	28	28	+28
Multi-family housing guarantees (sec. 538)	1,517	3,921	3,921	3,921	3,921	+2,404
Multi-family housing credit sales	872	750	750	750	750	-122
Self-help housing land development fund.....	278	254	254	254	254	-24
Total, Loan subsidies.....	254,080	243,887	243,887	247,887	245,887	-8,193

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
RHIF administrative expenses (transfer to RD).....	408,333	419,741	422,910	422,241	422,241	+ 13,908
Rental assistance program:						
(Sec. 521).....	672,604	687,604	687,604	702,604	695,104	+ 22,500
(Sec. 502(c) (5) (D))	5,900	5,900	5,900	5,900	5,900	.....
Total, Rental assistance program.....	678,504	693,504	693,504	708,504	701,004	+ 22,500
Total, Rural Housing Insurance Fund	1,340,917	1,357,132	1,360,301	1,378,632	1,369,132	+ 28,215
(Loan authorization)	(4,476,160)	(4,470,648)	(4,470,648)	(4,501,044)	(4,485,846)	(+ 9,686)
Mutual and self-help housing grants	33,925	33,925	33,925	35,000	35,000	+ 1,075
Rural housing assistance grants	43,903	38,914	38,914	38,914	38,914	-4,989
Farm labor program account	29,934	28,431	31,431	28,431	31,431	+ 1,497
Subtotal, grants and payments	107,762	101,270	104,270	102,345	105,345	-2,417
Total, Rural Housing Service	1,448,679	1,458,402	1,464,571	1,480,977	1,474,477	+ 25,798
(Loan authorization)	(4,476,160)	(4,470,648)	(4,470,648)	(4,501,044)	(4,485,846)	(+ 9,686)
Rural Business-Cooperative Service:						
Rural Development Loan Fund Program Account:						
(Loan authorization)	(38,172)	(38,171)	(38,171)	(38,171)	(38,171)	(-1)
Loan subsidy	19,433	16,494	16,494	16,494	16,494	-2,939
Administrative expenses (transfer to RD)	3,632	3,733	3,761	3,733	3,733	+ 101
Total, Rural Development Loan Fund	23,065	20,227	20,255	20,227	20,227	-2,838
Rural Economic Development Loans Program Account:						
(Loan authorization)	(14,969)	(14,966)	(14,966)	(14,966)	(14,966)	(-3)
Direct subsidy	3,902	3,616	3,616	3,616	3,616	-286
Rural cooperative development grants	6,486	6,486	7,500	8,000	7,750	+ 1,264
Rural empowerment zones and enterprise community grants.....	.....	14,967	14,967	14,967	14,967	+ 14,967
Total, Rural Business-Cooperative Service	33,453	45,296	46,338	46,810	46,560	+ 13,107
(Loan authorization)	(53,141)	(53,137)	(53,137)	(53,137)	(53,137)	(-4)
Rural Utilities Service:						
Rural Electrification and Telecommunications Loans Program Account:						
Loan authorizations:						
Electric:						
Direct, 5%.....	(121,128)	(121,107)	(121,107)	(121,107)	(121,107)	(-21)
Direct, Municipal rate.....	(294,358)	(294,358)	(794,358)	(500,000)	(500,000)	(+ 205,642)
Direct, FFB.....	(1,600,000)	(1,600,000)	(2,600,000)	(2,600,000)	(2,600,000)	(+ 1,000,000)
Direct, Treasury rate.....	(500,000)	(500,000)	(500,000)	(750,000)	(750,000)	(+ 250,000)
Guaranteed electric	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	.....
Subtotal, Electric.....	(2,615,486)	(2,615,465)	(4,115,465)	(4,071,107)	(4,071,107)	(+ 1,455,621)
Telecommunications:						
Direct, 5%.....	(74,835)	(74,827)	(74,827)	(74,827)	(74,827)	(-8)
Direct, Treasury rate.....	(300,000)	(300,000)	(300,000)	(300,000)	(300,000)	.....
Direct, FFB.....	(120,000)	(120,000)	(120,000)	(120,000)	(120,000)	.....
Subtotal, Telecommunications.....	(494,835)	(494,827)	(494,827)	(494,827)	(494,827)	(-8)
Total, Loan authorizations	(3,110,321)	(3,110,292)	(4,610,292)	(4,565,934)	(4,565,934)	(+ 1,455,613)
Loan subsidies:						
Electric:						
Direct, 5%.....	12,064	3,609	3,609	3,609	3,609	-8,455
Guaranteed electric	10	80	80	80	80	+ 70
Direct, Municipal rate.....	20,458	.....	.....	.....	.....	-20,458
Subtotal, Electric.....	32,532	3,689	3,689	3,689	3,689	-28,843
Telecommunications:						
Direct, 5%.....	7,753	1,736	1,736	1,736	1,736	-6,017
Direct, Treasury rate.....	.....	300	300	300	300	+ 300
Subtotal, Telecommunications.....	7,753	2,036	2,036	2,036	2,036	-5,717
Total, Loan subsidies.....	40,285	5,725	5,725	5,725	5,725	-34,560

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued
 (Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
RETLP administrative expenses (transfer to RD).....	34,640	35,604	36,322	36,000	36,000	+1,360
Total, Rural Electrification and Telecommunications Loans Program						
Account.....	74,925	41,329	42,047	41,725	41,725	-33,200
(Loan authorization)	(3,110,321)	(3,110,292)	(4,610,292)	(4,565,934)	(4,565,934)	(+1,455,613)
Rural Telephone Bank Program Account:						
(Loan authorization)	(174,615)		(174,615)	(174,615)	(174,615)	
Direct loan subsidy	2,584		2,584	3,737	3,737	+1,153
RTB administrative expenses (transfer to RD).....	2,993	3,082	3,107	3,082	3,082	+89
Total, Rural Telephone Bank Program Account	5,577	3,082	5,691	6,819	6,819	+1,242
High energy costs grants (by transfer)		(24,000)	(24,000)	(24,000)	(24,000)	(+24,000)
Distance learning and telemedicine program:						
(Loan authorization)	(400,000)	(300,000)	(300,000)	(300,000)	(300,000)	(-100,000)
(Loan authorization) (proposal)		(100,000)	(100,000)	(100,000)	(80,000)	(+80,000)
Grants/loans subsidy costs	26,941	26,941	26,941	51,941	49,441	+22,500
Local Television loan program account:						
(Loan authorization)				(322,580)	(258,065)	(+258,065)
Direct loan subsidy				25,000	20,000	+20,000
LTLP administrative expenses (transfer to RD).....				2,000	2,000	+2,000
Total, Rural Utilities Service	107,443	71,352	74,679	127,485	119,985	+12,542
(Loan authorization)	(3,684,936)	(3,510,292)	(5,184,907)	(5,463,129)	(5,378,614)	(+1,693,678)
Total, title III, Rural Economic and Community Development Programs...	2,481,127	2,401,520	2,488,414	2,793,742	2,581,924	+100,797
(By transfer)	(449,598)	(486,160)	(490,100)	(504,056)	(491,056)	(+41,458)
(Loan authorization)	(8,214,237)	(8,034,077)	(9,708,692)	(10,017,310)	(9,917,597)	(+1,703,360)
TITLE IV - DOMESTIC FOOD PROGRAMS						
Office of the Under Secretary for Food, Nutrition and Consumer Services.....	569	587	592	587	587	+18
Food and Nutrition Service:						
Child nutrition programs.....	4,407,445	4,729,490	4,746,038	4,746,038	4,914,288	+508,843
Transfer from section 32	5,127,579	5,357,256	5,340,708	5,340,708	5,172,458	+44,879
Discretionary spending	6,486	2,000	2,000	500	500	-5,986
Total, Child nutrition programs.....	9,541,510	10,088,746	10,088,746	10,087,246	10,087,246	+545,736
Special supplemental nutrition program for women, infants, and children (WIC)	4,043,086	4,137,086	4,137,086	4,247,086	4,348,000	+304,914
Food stamp program:						
Expenses	18,618,228	19,556,436	19,556,436	19,556,436	19,556,436	+938,208
Reserve	100,000	1,000,000	1,000,000	2,000,000	2,000,000	+1,900,000
Nutrition assistance for Puerto Rico	1,301,000	1,335,550	1,335,550	1,335,550	1,335,550	+34,550
The emergency food assistance program	100,000	100,000	100,000	100,000	100,000	
Total, Food stamp program.....	20,119,228	21,991,986	21,991,986	22,991,986	22,991,986	+2,872,758
Commodity assistance program	139,991	139,991	152,813	139,991	152,813	+12,822
Rescission.....		-5,300		-5,300	-3,300	-3,300
Food donations programs:						
Needy family program	1,081	1,081	1,081	1,081	1,081	
Elderly feeding program	149,670	149,668	159,668	149,668	149,668	-2
Total, Food donations programs.....	150,751	150,749	160,749	150,749	150,749	-2
Food program administration.....	116,550	125,546	126,656	127,546	127,546	+10,996
Total, Food and Nutrition Service.....	34,111,116	36,628,804	36,658,036	37,739,304	37,855,040	+3,743,924
Total, title IV, Domestic Food Programs.....	34,111,685	36,629,391	36,658,628	37,739,891	37,855,627	+3,743,942
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS						
Foreign Agricultural Service:						
Salaries and expenses, direct appropriation.....	115,170	121,563	122,631	121,563	121,813	+6,643
(Transfer from export loans)	(3,224)	(3,224)	(3,224)	(3,224)	(3,224)	
(Transfer from P.L. 480)	(1,033)	(1,033)	(1,033)	(1,033)	(1,033)	
Total, Program level.....	(119,427)	(125,820)	(126,888)	(125,820)	(126,070)	(+8,643)
Public Law 480 Program and Grant Accounts:						
Title I - Program account:						
Loan authorization, direct.....	(159,327)	(139,399)	(150,000)	(159,327)	(154,664)	(-4,663)
Loan subsidy	113,935	113,935	122,600	130,218	126,409	+12,474
Ocean freight differential	20,277	20,277	20,277	20,277	20,277	

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Title II - Commodities for disposition abroad:						
Program level.....	(835,159)	(835,159)	(835,159)	(850,000)	(850,000)	(+ 14,841)
Appropriation.....	835,159	835,159	835,159	850,000	850,000	+ 14,841
Salaries and expenses:						
Foreign Agricultural Service (transfer to FAS)	1,033	1,033	1,033	1,033	1,033	.....
Farm Service Agency (transfer to FSA)	813	972	980	972	972	+ 159
Subtotal.....	1,846	2,005	2,013	2,005	2,005	+ 159
Total, Public Law 480:						
Program level.....	(835,159)	(835,159)	(835,159)	(850,000)	(850,000)	(+ 14,841)
Appropriation.....	971,217	971,376	980,049	1,002,500	998,691	+ 27,474
CCC Export Loans Program Account (administrative expenses):						
Salaries and expenses (Export Loans):						
General Sales Manager (transfer to FAS)	3,224	3,224	3,224	3,224	3,224	.....
Farm Service Agency (transfer to FSA)	588	790	797	790	790	+ 202
Total, CCC Export Loans Program Account.....	3,812	4,014	4,021	4,014	4,014	+ 202
Total, title V, Foreign Assistance and Related Programs	1,090,199	1,096,953	1,106,701	1,128,077	1,124,518	+ 34,319
(By transfer)	(4,257)	(4,257)	(4,257)	(4,257)	(4,257)	.....
TITLE VI - FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration						
Salaries and expenses, direct appropriation.....	1,066,173	1,173,673	1,183,573	1,183,670	1,183,670	+ 117,497
Prescription drug user fee act	(149,273)	(161,716)	(161,716)	(161,716)	(161,716)	(+ 12,443)
Subtotal.....	(1,215,446)	(1,335,389)	(1,345,289)	(1,345,386)	(1,345,386)	(+ 129,940)
Export and certification.....	(5,992)	(6,181)	(6,181)	(6,181)	(6,181)	(+ 189)
Payments to GSA.....	(104,736)	(105,116)	(105,116)	(105,116)	(105,116)	(+ 380)
Drug reimportation		2,950				.....
Buildings and facilities.....	31,281	34,281	34,281	34,281	34,281	+ 3,000
Total, Food and Drug Administration.....	1,097,454	1,210,904	1,217,854	1,217,951	1,217,951	+ 120,497
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission	67,850	70,400	70,700	70,400	70,700	+ 2,850
Farm Credit Administration (limitation on administrative expenses)	(36,719)	(36,700)	(36,700)	(36,700)	(36,700)	(- 19)
Total, title VI, Related Agencies and Food and Drug Administration	1,165,304	1,281,304	1,288,554	1,288,351	1,288,651	+ 123,347
TITLE VII - GENERAL PROVISIONS						
Hunger fellowships	1,996	1,996	4,000	1,996	2,496	+ 500
National Sheep Industry Improvement Center revolving fund	5,000	.....	1,000	.....	1,000	-4,000
Limit crop insurance education.....	.....	.....	-6,000	.....	-6,000	-6,000
Mallard Pointe conservation .....	.....	.....	.....	150	150	+ 150
Jamestown conservation .....	.....	.....	.....	450	250	+ 250
Child and adult care feeding program.....	.....	.....	.....	10,000	10,000	+ 10,000
CCC Apple market loss.....	.....	.....	150,000	.....	75,000	+ 75,000
Klamath Basin (supplemental appropriations, P.L. 107-20)	20,000	.....	.....	.....	.....	-20,000
Food Stamp program (supplemental appropriations, P.L. 107-20)	-39,500	.....	.....	.....	.....	+ 39,500
Global food for education (supplemental appropriations, P.L. 107-20)	22,949	.....	.....	.....	.....	-22,949
Yakima Basin (supplemental appropriations, P.L. 107-20)	2,000	.....	.....	.....	.....	-2,000
APHIS transfer to Alaska (supplemental appropriations, Dairy price support extension .....	.....	.....	.....	.....	15,000	+ 15,000
Sugar beets.....	.....	.....	.....	.....	5,000	+ 5,000
Tobacco .....	.....	.....	.....	.....	5,000	+ 5,000
Total, title VII, General provisions	12,445	1,996	149,000	12,596	107,896	+ 95,451
TITLE VIII - FY 2001						
NATURAL DISASTER ASSISTANCE AND OTHER						
EMERGENCY APPROPRIATIONS						
CHAPTER 1						
DEPARTMENT OF AGRICULTURE						
Office of the Chief Information Officer:						
Common computing environment (contingent emergency appropriations)	19,457	.....	.....	.....	.....	-19,457
Departmental administration (contingent emergency appropriations)	200	.....	.....	.....	.....	-200

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2002 (H.R. 2330) — continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Farm Service Agency						
Salaries and expenses (contingent emergency appropriations)	49,890					-49,890
Emergency conservation program (contingent emergency appropriations)...	79,824					-79,824
Federal Crop Insurance Corporation						
Federal crop insurance corporation fund (emergency appropriations)	12,971					-12,971
Natural Resources Conservation Service						
Watershed and flood prevention operations (contingent emergency appropriations)	109,758					-109,758
Rural Development						
Rural community advancement program (contingent emergency appropriations)	199,560					-199,560
Total, Department of Agriculture	471,660					-471,660
General Provisions						
Conservation technical assistance (contingent emergency appropriations)	34,923					-34,923
CCC Disease loss compensation (contingent emergency appropriations)	19,000					-19,000
Dairy assistance (contingent emergency appropriations)	473,000					-473,000
CCC Livestock assistance program (contingent emergency appropriations) ..	488,922					-488,922
WRP Additional acreage enrollments (contingent emergency appropriations)	117,000					-117,000
CCC Sheep loss assistance (contingent emergency appropriations)	2,395					-2,395
CCC Citrus canker compensation (contingent emergency appropriations)	57,872					-57,872
CCC Apple/potatoes market loss and quality (contingent emergency appropriations)	137,696					-137,696
CCC Honey assistance (contingent emergency appropriations)	20,000					-20,000
CCC Livestock indemnity program (contingent emergency appropriations)...	9,978					-9,978
CCC Wool/mohair assistance (contingent emergency appropriations)	19,956					-19,956
CCC Crop loss disaster assistance (contingent emergency appropriations)...	1,622,000					-1,622,000
CCC Cranberry assistance (contingent emergency appropriations)	19,956					-19,956
Shared appreciation loan arrangements (contingent emergency appropriations)	2,000					-2,000
SC grain dealer's guarantee fund (contingent emergency appropriations).....	2,495					-2,495
Puerto Rico food stamp block grant.....	-5,000					+5,000
Hawaii sugar transportation cost assistance (contingent emergency appropriations)	7,184					-7,184
Rural development cooperative grants (contingent emergency appropriations)	9,978					-9,978
Business and industry loans:						
(Loan authorization)	(1,160,232)					(-1,160,232)
Loan subsidy (contingent emergency appropriations)	9,978					-9,978
CCC Tobacco quota compensation (contingent emergency appropriations) ..	3,000					-3,000
CCC Cooperative assistance (contingent emergency appropriations)	19,956					-19,956
CCC Burley tobacco (contingent emergency appropriations)	50,000					-50,000
CCC LDP delinquent borrower (contingent emergency appropriations)	5,000					-5,000
Food stamp excess shelter allowance (contingent emergency appropriations)	15,000					-15,000
Food stamp vehicle allowance (contingent emergency appropriations)	25,000					-25,000
Total, General Provisions	3,167,289					-3,167,289
Total, title VIII, FY 2001	3,638,949					-3,638,949
TITLE X - ANTI-DUMPING						
Anti-dumping	39,912					-39,912
Grand total:						
New budget (obligational) authority	76,659,577	73,976,108	74,359,843	75,797,465	75,794,443	-865,134
Appropriations	(73,015,628)	(73,981,408)	(74,359,843)	(75,802,765)	(75,797,743)	(+2,782,115)
Rescission		(-5,300)		(-5,300)	(-3,300)	(-3,300)
Emergency appropriations	(12,971)					(-12,971)
Contingent emergency appropriations	(3,630,978)					(-3,630,978)
(By transfer)	(719,987)	(764,774)	(770,903)	(782,670)	(771,844)	(+51,857)
(Loan authorization)	(11,463,780)	(12,028,476)	(13,713,692)	(14,067,362)	(13,962,996)	(+2,499,206)
(Limitation on administrative expenses)	(144,778)	(144,759)	(144,759)	(144,759)	(144,759)	(-19)

1/ In addition to appropriation.

Mr. Speaker, I reserve the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, obviously I rise in very strong support of this bill and say it is truly an improvement over the original measure that passed the House 4 months ago. The conference committee actually did make it better. And while there are individual items with which we could each disagree, and those items will continue to be a focus for myself and other subcommittee members as we move ahead with other appropriations bills during this session, the product before us truly is worthy of our support.

Let me reciprocate to my very able colleague and fairly new chairman of our committee, the gentleman from Texas (Mr. BONILLA) for successfully guiding us through the challenges surrounding his first bill as our subcommittee chair. And I think that the buoyant attitude of the members and the cooperative spirit in which they worked is due to the tone that he set on the subcommittee.

Mr. Speaker, I want to issue my own thanks to our subcommittee staff that worked so very hard, such long hours, and they are never covered by C-SPAN, and the American people do not get to see the depth of their dedication: Hank Moore and Martin Delgado, Maureen Holohan, Joanne Orndorff, Jim Richards, and our detailee, Leslie Barrack, as well as Roger Szmraj from our own office and Julie Little as well. They just did an outstanding job of representing the interests of this House in this conference.

I wanted to pay special thanks to Martha Foley, who is our lone minority staff member, who ably and successfully represented our side of the aisle in painstaking negotiations with the other body. I am just so pleased she is able to be with us here on the floor today. I hope that all of her relatives and friends are watching because she surely deserves the appreciation of the American people.

Mr. Speaker, we bring to you a conference report that is \$860 million below the enacted level for the last fiscal year, but it is \$1.8 billion over the administration's request and \$1.4 billion over the original bill that passed the House.

Now, should anyone have concerns about these points of comparison, let me respectfully point out that our needs today are far different from those that were submitted with the President's budget earlier this year, and they are substantially different from those that our Nation faced prior to September 11.

As I pointed out earlier this year, we are touched in our country by agriculture many times each day. It might be in the food we eat, the fabrics we wear, the biofuels that are being produced or the medications or vitamins that are prescribed. We are touched each day by research, by education, by

training, by our food and animal, plant and health inspection services and by marketing services.

This bill continues the essential points that nearly 80 percent of the spending in this bill is mandatory. When one combines all the food assistance programs and the farm price support programs, only about 20 percent of what we can really affect in the bill is discretionary. Over half is what is projected to be spent in this measure is for food programs. That includes Food Stamps, the Women, Infant and Children Food Program and the Child and Elderly Nutrition Programs.

Now, there are significant accomplishments in this conference bill. We have provided an increase of \$211 million for the WIC program over the initial House bill. With recent economic difficulties and increasing unemployment, we have added funds that are available in the program, should we need them. In fact, we have established a \$2 billion reserve for the Food Stamp Program to reflect these concerns, the largest reserve we have ever had in this program.

I might just mention, if you look at New York City and many of the service workers that worked in the World Trade Center who are contract workers and have no benefits, those families absolutely have the right to be fed, to have a good holiday season; and this program will help cushion the blows that this economy and the situation we are facing with regard to terrorism is having on American families.

□ 1745

So we provided the largest reserve we ever have in the history of this program.

We have provided \$10 million in supplemental funding for the Senior Farmers Market Nutrition program, an effort that has been more successful than anyone had anticipated and one which we hope will be continued as a part of the regular farm bill.

Both these funds are to support the program in addition to the other resources from the Commodity Credit Corporation that we hope the Secretary will use to sustain and hopefully expand this program to the full \$25 million level.

Let me also mention we have the strongest possible language included in the statement of managers to be certain the Secretary of Agriculture understands that we expect her to continue the Global Food for Education program. This program can help boys and girls throughout the world get the necessary food while receiving education; and when we think about what is going on in Afghanistan and the surrounding region, it is particularly vital that we see the impact that this program can have in the months and years ahead.

We have so many Members here in the House to thank, Members like the gentleman from Massachusetts (Mr. MCGOVERN), the gentleman from Ohio

(Mr. HALL), and certainly our retired Members from the other body, Bob Dole and George McGovern, for inspiring and carrying us through on the vision for this program and what it can do around the world.

The House did go along in this measure also with the higher Senate level for title II of the Food for Peace Program, PL-480, as the House had instructed before we went to conference. I respectfully and seriously thank the gentleman from Texas (Mr. BONILLA) and the staff for their efforts in securing this important funding.

We do have some successes with increasing food safety funding, particularly with respect to the Food and Drug Administration. The bill provides 10.7 percent over last year's level, and we know how important that agency is now in safeguarding our food supply and the safety of our pharmaceuticals.

It also includes the additional funds to fully fund the pay increases so essential to keeping staff in place and adding staff where necessary so that we can deal with threats to public health and ensuring public health and safety here at home.

We also included an increase of \$15 million over last year for BSE prevention and enforcement. This is commonly known as mad cow disease. We have seen what it has done in other parts of the world, and we know that increasing monitoring of imports and inspection of feed mills here at home is essential to keeping that tragedy out of the American food chain.

We have included additional funds for food safety activities, including our import inspections and monitoring activities; and we have also important successes in this bill on funding for animal welfare, for rural development, for water and housing programs and research programs at our 1890 Institutions.

I know that the gentlewoman from North Carolina (Mrs. CLAYTON), who has worked so hard in order to increase funding, will speak on this matter very shortly; and we thank her so very much for her leadership and dedication on this important improvement to what our country offers, not just here at home but around the world.

Let me just say as I wrap up here, I am concerned about inadequate funding levels for food safety activities, particularly in the wake of what happened on September 11; and I am really encouraged that Secretary Thompson has recommended over \$61 million in supplemental funds for the purpose of strengthening FDA's food safety and security activities. This truly is a step in the right direction, but only a step; and we look forward to working with the Bush administration on improving those numbers.

We also had research funding requests from hundreds and hundreds of members that had to be reduced due to limits imposed in this bill. Hopefully in future years, we will be able to find a way to meet these important research

activities which are the seed bed for innovation and advancement in our Nation.

Let me also say that the gentleman from New York (Mr. HINCHEY) was such a leader on this matter in our subcommittee, and this deals with the assistance to specialty-crop producers, particularly apple producers, that in the conference bill we have provided \$75 million to assist those who have been so adversely affected by weather and drought conditions. In our original bill we had hoped to get \$150 million. We just did not have the funds. We just did not have the allocation to do that; and I wanted to again recognize the gentleman from New York (Mr. HINCHEY), the gentleman from New York (Mr. WALSH), and the gentleman from Washington (Mr. NETHERCUTT), who have my personal commitment to work with them to make sure producers get the help they need.

On two final points, let me just say the conferees were successful in retaining language to retain the pork check-off program. We expect the Department to honor the votes of producers to terminate that program or to put any settlement agreement to a new vote.

Finally, and this is truly emotional for all Americans, we were so pleased to be able to work with the able gentleman from Massachusetts (Mr. MEEHAN) to include language naming our very well-respected Farmer to Farmer program as the John Ogonowski Farmer to Farmer Program. John Ogonowski was the pilot of American Airlines Flight 11 which crashed into one of the World Trade Towers and citizen of Massachusetts.

He had exemplified the intent of the Farmer to Farmer program in reaching out among others to Cambodian producers, new immigrants to our shores, who had the need of improved skills to maximize their farming proficiencies, and naming this program for him offers the program an example of an outstanding American who knew both the responsibilities and joy of helping others to improve their situation while taking satisfaction from the accomplishment that such help provides.

Today, in the Sun newspaper from Massachusetts, there was a story that talks about American Airlines pilot John Ogonowski, and it talks about the former Under Secretary of Agriculture August Schumacher, who was a friend of John Ogonowski, and talked about how he was a fourth generation farm boy who never forgot his roots and he made real differences with his new entry programs for farmers in our country. John Ogonowski's father, Alexander Ogonowski, also a farmer, was overwhelmed when he learned of this great honor for his son and American patriot; and he said it is a little too much right now to even comment on.

As we move this bill to the floor today, we especially honor pilot John Ogonowski, and all those who fly on behalf of our commercial airlines and all those in service to our country in every

walk of life. We owe them the freedom of expression that we enjoy here in this Chamber today.

I include for the RECORD the article from the Sun newspaper.

BILL AIMS TO RENAME U.S. FARM PROGRAM
FOR LATE DRACUT PILOT
(By Kathleen Deely)

DRACUT—A federal program in which U.S. farmers help their counterparts overseas will be named after deceased Dracut resident John Ogonowski if a bill before Congress is approved.

Ogonowski, who died piloting American Airlines Flight 11 when it was hijacked and crashed into the World Trade Center on Sept. 11, had for years harvested hay and produce on his 150-acre farm on Marsh Hill Road.

Renaming the Department of Agriculture's Farmer-to-Farmer program after Ogonowski has been included in the federal Agriculture Appropriation bill for 2002. The House and Senate are expected to pass the legislation, which will then go to President Bush for his signature, in the next few weeks.

John's sister, Carol Ogonowski, said naming the program after her brother is "one of many tributes that John deserves."

"John would be honored. It's only a fitting tribute to his life that touched so many others," she said.

The program is similar to the New Entry Sustainable Farming Project that Ogonowski ran for Cambodian farmers on his Whitegate Farm for several years. The partnership between Tufts University, the University of Massachusetts Extension Service and the state Department of Food and Agriculture helps immigrants grow their native vegetables and learn the farming industry.

Likewise, the program provides agricultural technical assistance to developing countries around the world and increases food production there.

The idea to name the program after Ogonowski came from August Schumacher Jr., the former undersecretary for farming and international agricultural programs, who was a friend of Ogonowski.

U.S. Rep. Martin Meehan, a Lowell Democrat, worked to have the name changed included in the 2002 agriculture bill.

"John was a fourth-generation farm boy who never forgot his roots," said Meehan. "He made a real difference with his New Entry programs."

Attaching Ogonowski, who was a full-time pilot, to the project makes sense, those who knew him said, because farming was his true passion.

John's father, Alexander Ogonowski, also a farmer, was overwhelmed when he learned of the honor.

"It's a little too much right now," he said.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), a member of the subcommittee without whose excellent work this bill would not have been possible.

Ms. DELAURO. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me the time, and I rise in strong support of this conference report.

It addresses the many and often competing priorities of agriculture, health and nutrition; and I want to say thanks to the gentleman from Texas (Mr. BONILLA), the chairman; and the gentlewoman from Ohio (Ms. KAPTUR), the ranking member, for their leadership, and the subcommittee and associate staff for their hard work.

Connecticut is a leader in New England's agriculture, in eggs, peaches, milk production per cow. Like other farmers, Connecticut farmers are facing the toughest times since the Great Depression: plunging commodity prices, urban sprawl which puts it in the top 10 States in lost farm land. This spring, record low temperatures eliminated almost 40 percent of our peach and pear crops.

I am proud of the funding for programs that reach out and help our farmers: rural development, conservation, pest management, and commodity marketing assistance. I am also proud of the extension of dairy price supports through May 31, 2002. This program is an essential safety net for Connecticut's dairy farmers, all the more so since reauthorization of the Northeast Dairy Compact has not happened yet.

The compact is vital to the very existence of Connecticut's 228 dairy farms, each one a small family farm, and their way of life. In 2000, it returned \$4.8 million in income back to these dairy farms. This is an average of \$21,000 per farmer. Congress must address this issue. Without the compact, New England's farms are lost.

The conference report also funds coverage for more than 7.5 million WIC participants. I cannot emphasize enough how important WIC is in addressing the economic problems that this country faces. As unemployment increases, so does the number of families eligible for WIC. This essential nutrition, which currently serves approximately 47 percent of all infants born in the United States, provides low-income mothers and their children with nutritious supplemental food packages, nutrition education and counseling and a gateway to pre- and post-natal health care.

WIC does more than help families get through tough times. It contributes to better birth outcomes and reductions in childhood anemia.

This bill also funds safety efforts, but we do need to do more to protect American families from potential bioterrorist threats. Each year, 5,000 Americans die from food-borne illnesses; 76 million get ill, and 325,000 are hospitalized.

FDA inspects all types of food except meat, poultry and eggs. Yet, to cover the 37,000 companies that make this food, the FDA has only 400 inspectors. For the 4.1 million imported food items, the FDA has less than 120 inspectors. These inspectors can barely cover 1 percent of the food coming into the country. In today's times, this is a crisis waiting to happen unless we do something.

I also want to work through the supplemental funding process to provide assistance to America's apple farmers. There are apple farmers in the State of Connecticut and the plunging market prices for apples are destroying the years of hard work put in by these dedicated men and women. We must be there for them.

Once again, I am proud of the work of the conference committee. I am proud to serve on the agriculture appropriations subcommittee. My thanks to the gentleman from Texas (Mr. BONILLA) and to the gentlewoman from Ohio (Ms. KAPTUR) for their leadership throughout the year in support of America's farmers and America's families.

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FARR), a very distinguished member of our subcommittee, and I just hope that his constituents know how hard he works on their behalf. It is truly a joy to have someone with his vision and abilities working on this subcommittee.

Mr. FARR of California. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me the time.

I rise in strong support of this bill. I was just back here thinking that this is the one appropriations bill that comes to the floor with aroma and with taste. This is about food, and we often do not appreciate how much work goes into supporting the diversity of agriculture in the United States. We hear a lot of debate about the commodity programs in this country and the debate we ought to have. It is healthy.

What my colleagues do not know is all of the agriculture in this country gets not one bit of help from our U.S. Department of Agriculture except in academic areas like research dollars for finding alternatives to pesticides and herbicides; to research dollars that improve the nutritional quality of food for our school children and for adults and senior citizens; for programs that really benefit agriculture without giving a direct subsidy to crops such as marketing promotions where we are able to assist with local raised money to promote crops grown in America and other countries.

I would like to thank the chairman of this committee because he has taken the lead in being able to put specialty crops back up where they need to be, giving them more attention. In my district, one county, we grow 85 different crops. That is more crops than any other State, other than the State of California, grows in the United States.

One of the things that we are working on and continue to work on that with the authorization from the Committee on Agriculture is the ability to buy out development rights from farmers so that the agriculture can remain protected forever in agricultural areas and that we can preserve the prime agricultural lands of the United States just as we would preserve the great forests and the great river basins of this country.

Lastly, one of the things that this committee is very actively involved in and I hope we will move even more so in the direction is that we have spent a lot of money in this country determining what are the nutritional values of food that ought to be served, particularly to school children and infants; but we do not buy that same

food. We need to shift our buying policy from the U.S. Government to buy more of the foods that we advertise and recommend as healthy foods. Those are organic foods that are fresh fruits and vegetables. Those are the specialty crops of America.

This bill moves a lot of that policy forward; and I would like to compliment the committee, I would like to compliment the Secretary of Agriculture for her good work in working closely with this committee, and I would like to think that in a bipartisan way the Democrats and Republicans can come together and unite around agriculture in America, and this is the bill for it.

I urge an "aye" vote.

□ 1800

Mrs. CAPITO. Mr. Speaker, I yield 4 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON), a distinguished member of the authorizing committee who I must say works tirelessly to connect the work of the authorizing committee to the Committee on Appropriations, and certainly in her work on the 1890 colleges and assistance to Africa, there is no better advocate in this House.

Mrs. CLAYTON. Mr. Speaker, I rise today to express my support for the conference report before us, and to thank the chairman and the ranking member for their diligent work on this bill. I thank the ranking member of the full committee, the gentleman from Wisconsin (Mr. OBEY) and his diligent staff for their efforts.

As always, this appropriation bill has required them to make many difficult choices and to weigh many competing priorities. However, in so doing, they have chosen well and have provided this House with a conference report that deserves quick passage. I would like to thank the appropriators especially for their efforts in two areas. First of all, as mentioned, I would like to express my thanks to the chairman and the ranking member for increasing the funding for research and extension of the Historically Black Colleges and Universities.

The minority-serving land grants, including the Historically Black Colleges and Universities, the American Indian College and Hispanic-serving Institutions, have long played a positive role in advancing the interests of the minority agricultural community.

This bill increases funding for both research and extension at the Black Colleges and Universities. The chairman and the ranking member have been very helpful in this effort and they deserve to be recognized for their friendship with the minority land grant universities.

Finally, I thank the chairman and ranking member for their efforts in maximizing the funds available to all of the nutrition programs in this bill. This is an agricultural commodity and nutrition bill.

Providing nutritious food for American children and working families is

one of the most important responsibilities of this bill. Unfortunately, the shameful hunger always outpaces the limited dollars available to address this plague. I know that making decisions about how best to spend our nutrition dollars are always difficult ones, and I commend the gentlemen.

They also deserve a thanks for their efforts to ensure that the innovative and popular Senior Farmer's Market Program can continue, and for their diligence in working to preserve the integrity and increase the caseload of the WIC program.

This conference report provides \$10 million so that this popular program for seniors will continue. This report also expresses its expectation that the administration will do its part by releasing funds from the Commodity Credit Corporation for the program. I add my voice to this, and urge the administration to follow the recommendation of the conference report by releasing \$15 million so that we can strengthen and expand the Senior Farmers Market Program.

We must continue to increase funds to nutrition programs and to eradicate hunger from our midst. We could not have a more lofty goal for this Congress. There is no excuse for hungry families in America today. This bill is one small part of a problem that requires our continuous effort, but it is indeed a very important part which benefits millions of Americans. I urge my colleagues to support this program. I thank the entire committee and the chairman and the ranking member for their support.

Ms. KAPTUR. Mr. Speaker, I yield myself 2 minutes for the purpose of conducting a colloquy with the gentleman from Texas (Chairman BONILLA).

(Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, the gentleman knows that members of our subcommittee have been concerned about food safety, and we know that contaminated food products cause an estimated 76 million food-borne illnesses annually in our country. Seafood represents more than 10 percent of the documented illnesses in the United States.

The conferees have accepted report language offered by the other body that calls for the Food and Drug Administration to report by January 1 regarding implementation of regulations by the General Accounting Office with respect to the compliance of seafood producer with HACCP, the Hazard Analysis and Critical Control Points.

That language concluded by calling for the development of food safety technologies that could ensure constant safe temperatures of seafood throughout the food chain. As a point of clarification, since some might construe the phrase "food chain" in a fashion different than we intend, would the chairman agree with me that our intent is to review the development of

food safety technologies through the food supply chain?

Mr. BONILLA. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Speaker, I would agree with the gentlewoman that our intent with respect to the accepted language is the "food supply chain."

Ms. KAPTUR. Mr. Speaker, I thank the chairman for his concurrence.

Mr. NETHERCUTT. Mr. Speaker, I rise in support of the Conference Report to accompany H.R. 2330, the Fiscal Year 2002 Agriculture and Related Agencies Appropriations bill. I also wish to express some concern with the level of resources dedicated to FDA pre-market device review functions.

The rapid increase in private and public sector biomedical research efforts will contribute to the development of many new breakthrough technologies to improve healthcare in the near term. It is my concern that FDA does not have sufficient resources dedicated to the pre-market review function at the Center for Devices and Radiological Health to quickly review these products so they may be used safely with patients. In the House version of the Agriculture and Related Agencies Appropriations bill, we directed the FDA to provide updates on medical device application review performance in January and July 2002. I urge the agency to adhere to this language and provide these reports to the members of our Committee on a timely basis. I also look forward to working with the Administration in the coming months to ensure that next year's budget includes a request for sufficient resources to meet the statutory review times for medical devices.

Mr. MEEHAN. Mr. Speaker, I rise today to express my appreciation that this year's Agriculture Appropriations Conference Report will rename the U.S. Department of Agriculture's (USDA) Farmer-to-Farmer Program after Captain John Ogonowski, who died on September 11, 2001 while piloting American Airlines' Flight 11.

Captain John Ogonowski was a highly respected resident of Dracut, Massachusetts, a pilot, and a fourth-generation farmer of his 150-acre farm. John also sponsored a program for Southeastern Asian immigrants to learn to farm and maintain their agriculture heritage through the New Entry Sustainable Farming Project—a partnership between Tufts University, the University of Massachusetts Extension Service, and Massachusetts's Department of Food and Agriculture. He provided land to these immigrants and became a close friend to many.

Similar to the program that John sponsored, the USDA Farmer-to-Farmer Program will be renamed the John Ogonowski Farmer-to-Farmer Program. This program provides assistance to farmers in developing countries to help increase food production and distribution, and improve the effectiveness of farming and marketing operations.

John made a notable difference in the lives of many immigrants learning to farm, and it is only fitting that the Farmer-to-Farmer Program, which embodies John's commitment to training new farmers, will now carry his name.

It is comforting to know that John's family and friends will have this lasting tribute to him, which encompasses his love of the land and

his commitment to helping others. If his family, including the members I have gotten to know—his wife, Margaret; his children, Laura, Caroline, and Mary Katharine; and his brother, James—are any indication of the kind of person John was, then he was a truly magnificent man, both in spirit and in his deeds. Their strength of heart and commitment to John's legacy, combined with tributes like this, will ensure that John's memory never dies.

I am grateful for the willingness of Chairman BONILLA and Ranking Member KAPTUR to include this designation in the Conference Report. I also want to thank August Schumacher, Jr., John's friend and the former Under Secretary for Farming and International Agriculture Programs, for his commitment to remembering John. I imagine that John would be truly grateful, and modest, in his acceptance of such an honor.

Mr. BENTSEN. Mr. Speaker, I rise to express my strong support for the Fiscal Year (FY) 2002 Agriculture Appropriations legislation (H.R. 2330) that would provide \$75.9 billion in funds for the U.S. Department of Agriculture, the Food and Drug Administration, and other related agencies. I believe we must support our nation's agriculture programs and am very pleased that this year's bill includes sufficient federal funding for nutrition research programs.

I am particularly pleased that this legislation includes \$979 million in additional federal funding for the Agriculture Research Service (ARS), a division of the U.S. Department of Agriculture. The ARS conducts and funds a variety of research projects, including nutrition research. The ARS provides funding for six human nutrition research centers, including the Children's Nutrition Research Center (CNRC) at Baylor College of Medicine in Houston, Texas. The CNRC is the only human nutrition research center which focuses primarily on pediatric nutrition and helps to make recommendations about childhood diets.

As the representatives for the CNRC, I applaud the innovative pediatric nutrition research which the CNRC conducts each year. I am also pleased that this bill includes an additional \$400,000 for the CNRC so they can expand their pediatric nutrition research next year. I believe that this investment will not only save lives but also reduce health care costs as we learn more about what is the best, most nutritional food for our children to eat. This additional funding will fund valuable research which will help families to provide nutritional food for their children so that these children will live longer, healthier lives.

There are many examples of CNRC's research which will have a direct impact on our lives. For instance, CNRC researchers are currently examining the nutritional factors necessary for optimal health and development of infants and children of all ages. Another CNRC study is working to identify the factors that influence children's eating habits and how best to help children and families to adopt healthier habits to avoid the long-term health problems linked to poor nutrition, such as obesity, diabetes, stroke, and osteoporosis. The CNRC is also doing research on the nutrition of mothers and their infants during pregnancy and lactation. These studies will examine the optimal dietary calorie, protein, and mineral requirements for maternal health during pregnancy and lactation. With this study, mothers and their infants will learn more about the nec-

essary nutrients they need to maintain optimal health during pregnancy and lactation.

I urge my colleagues to support this bill which provides necessary funding for agriculture and nutrition research programs.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of the conference report for H.R. 2330, the Agriculture appropriations legislation for fiscal year 2002.

This Member would like to commend the distinguished gentleman from Texas (Mr. BONILLA), the Chairman of the Agriculture Appropriations Subcommittee, and the distinguished gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee, for their hard work in bringing this conference report to the Floor.

Mr. Speaker, this Member certainly recognizes the severe budget constraints under which the full Appropriations Committee and the Agriculture Appropriations Subcommittee operated. In light of this constraints, this Member is grateful and pleased that this legislation includes funding for several important projects of interest to the state of Nebraska.

First, this Member is pleased that the conference report provides \$452,000 for the Midwest Advanced Food Manufacturing Alliance (MAFMA). The Alliance is an association of twelve leading research universities and corporate partners. Its purpose is to develop and facilitate the transfer of new food manufacturing and processing technologies.

The MAFMA awards grants for research projects on a peer review basis. These awards must be supported by an industry partner willing to provide matching funds. During the seventh year of competition, MAFMA received 39 proposals requesting a total of \$1,382,555. Eleven proposals were funded for a total of \$348,147. Matching funds from industry for these funded projects total \$605,601 with an additional \$57,115 from in-kind funds. These figures convincingly demonstrate how successful the Alliance has been in leveraging support from the food manufacturing and processing industries.

Mr. Speaker, the future viability and competitiveness of the U.S. agricultural industry depends on its ability to adapt to increasing world-wide demand for U.S. exports of intermediate and consumer good exports. In order to meet these changing world-wide demands, agricultural research must also adapt to provide more emphasis on adding value to our basic farm commodities. The Midwest Advanced Food Manufacturing Alliance can provide the necessary cooperative link between universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the United States agricultural industry remains competitive in a increasingly competitive global economy.

This Member is also pleased that the conference report includes \$196,000 to fund the National Drought Mitigation Center (NDMC) at the University of Nebraska-Lincoln. This project is in its fourth year and has assisted numerous states and cities in developing drought plans and developing drought response teams. Given the nearly unprecedented levels of drought in several parts of our country, this effort is obviously important.

Another important project funded by this conference report is the Alliance for Food Protection, a joint project between the University of Nebraska and the University of Georgia,

which received \$293,000 under the conference report. The mission of this Alliance is to assist the development and modification of food processing and preservation technologies. This technology will help ensure that Americans continue to receive the safest and highest quality food possible.

This Member is also pleased that the legislation funds the following ongoing Cooperative State Research, Education, and Extension Service (CSREES) projects at the University of Nebraska-Lincoln:

Food Processing Center, \$42,000; Non-food agricultural products, \$64,000; Sustainable agricultural systems, \$59,000; Rural Policy Research Institute (RUPRI) (a joint effort with Iowa State University and the University of Missouri), \$1,040,000.

This Member would also note that the conference report includes a loan subsidy of \$3.9 million for the Section 538 rural rental multi-family housing loan guarantee program, which is to support \$99.77 million in loan authorizations. The program provides a Federal guarantee on loans made to eligible persons by private lenders. Developers will bring ten percent of the cost of the project to the table, and private lenders will make loans for the balance. The lenders will be given a 100% Federal guarantee on the loans they make. Unlike the current Section 515 direct loan Program, where the full costs are borne by the Federal Government, the only costs to the Federal Government under the 538 Guarantee Program will be for administrative costs and potential defaults.

Mr. Speaker, this Member certainly appreciates the appropriations for the \$40.166 million loan subsidy for the Department of Agriculture's Section 502 Unsubsidized Loan Guarantee Program, which is to support \$3.1 billion in loan authorizations. The program has been very effective in rural communities by guaranteeing loans made by approved lenders to eligible income households in small communities of up to 20,000 residents in non-metropolitan areas and in rural areas. The program provides guarantees for 30-year fixed-rate mortgages for the purchase of an existing home or the construction of a new home.

Mr. Speaker, in conclusion, this Member supports the conference report for H.R. 2330 and urges his colleagues to approve it.

Mr. HINCHEY. Mr. Speaker, I would like to speak in support of the FY 2002 Agriculture Appropriation conference report. On the whole, it is a very good bill, and I commend Chairman BONILLA and Ranking Member KAPTUR and the entire Subcommittee staff and minority staff for their efforts. As good as it is, it does have several shortcomings that I will address in a minute.

AGRICULTURAL RESEARCH

I am pleased, however, at the level of support for agricultural research in this bill. Basic research is one of the best investments the government can make, but it's too easy for critics to poke fun at projects in this bill without ever considering the importance of the underlying research. USDA scientists and their collaborators at land grant universities work every day to ensure our food security, to preserve the competitiveness of American agriculture in a global economy, and to fight against bio-terrorism.

I am proud to represent Cornell University, which is the recipient of many of these special research grants. By way of illustration, Cornell

scientists are using USDA funds to investigate the causes and cures of fire blight, a disease that is infecting apple orchards across the country. In the five years of this research program, they have made progress in disease detection, development of biological controls, controlling the problems of antibiotic resistance, development of disease-resistant cultivars and rootstocks, plant nutrition, and chemical control. It will take at least another five years before we can evaluate the long-term success of preliminary findings.

FARMERS MARKETS

The FY 2002 agriculture bill is also notable for its support of farmers market programs. Farmers markets are also one of the best investments we can make in American agriculture. Not only do they provide farmers with a direct market for their crops, but they also give city residents access to fresh, locally-grown produce. Many of the farmers in my district live within 100 miles of New York City and sell their produce in the dozens of markets throughout the City. Most of these markets would not exist if not for programs that allow low-income families to use their food stamp and WIC benefits at the markets. I am also pleased that the conference report funds the new senior farmers market coupon program for low-income elderly shoppers.

I would like to point out one provision that is especially important to the farmers' market community in my state. The bill contains funds for a pilot program in New York to implement wireless handheld technology in the markets. This innovation is critical to the survival of farmers markets in low income communities, as food stamps and WIC benefits are increasingly delivered electronically through electronic benefit transfer (EBT) cards. Because farmers markets operate outdoors with limited access to electricity or telephone lines, it is much more difficult for people to use their EBT cards in the markets. New York has been testing this technology on a limited basis with great success, and will be able to use these funds to expand the program into more markets across the State. It is my hope that this pilot will prove to be so successful that the Department will adopt it as a model for a nationwide wireless EBT program.

RURAL BROADBAND DEPLOYMENT

Another provision in this bill will provide greatly needed assistance to help New York retain jobs and employers displaced by the September 11 terrorist attacks on New York City. These events have created a massive need for the City and surrounding communities to replace millions of square feet of office space equipped with advanced telecommunications services including broadband service. The New York City metropolitan area is experiencing a huge demand for this type of office space, both for immediate relocation as well as for remote, redundant back-up locations.

My colleagues in the New York Congressional delegation, the Mayor, and the Governor want to keep as many of these displaced jobs in New York as possible. We believe that the Rural Utilities Service telecommunications loan and grant programs have a key role to play in this effort. There are existing RUS broadband borrowers in the Hudson River Valley of New York who can help accommodate companies who are trying to resume normal business operations just outside of the city. This provision will make it

possible for these borrowers to respond quickly to preserve New York jobs.

We already know that New York will need to deploy additional broadband communications services rapidly to accommodate the increasing demand emerging in some of the rural areas in upstate New York. Connecting businesses, data facilities, and telecommuters to New York City are critical to recovery efforts. The conference report give the Administrator of RUS certain flexibilities and encouragement to expeditiously process loan applications from existing RUS broadband borrowers who are responding to recovery and rebuilding effort in New York.

The measure is self-executing, needs no new regulation, and requires no additional funding. It provides needed regulatory flexibility so the RUS can work with qualified, *existing borrowers* to receive additional financing to respond to this crisis. It also allows the RUS to modify terms of a borrower's existing loan, in order to provide operational flexibility to better respond to this crisis.

There are already several RUS borrowers in New York State. One, Hudson Valley DataNet, has already qualified for the broadband program and is providing broadband services in the Hudson Valley area, less than 100 miles north of New York City. This region of New York will be essential to the recovery effort for many companies seeking to restore operations, as well as companies seeking remote, secure, redundant data locations. Given the dramatic increase in demand for new deployment, however, the RUS needs this new authority to help:

- Carriers respond to the intense need to deploy services immediately for the recovery effort. These companies will need help to expedite their applications through RUS procedures, redefine terms of existing loans, and make adjustments to some of the existing program requirements to accommodate the recovery effort in New York State;

- Communities in the Hudson Valley, which are surrounded by rural areas that fall just above the 20,000-population limit for the broadband program that could benefit from some RUS process flexibility;

- RUS borrowers who wish to receive RUS financing to extend or acquire facilities into New York City for the express purpose of providing high capacity service connections into the Hudson Valley. These direct connections will provide a means for City-based companies to have broadband access to their secure redundant data site in the Hudson Valley.

This measure will not have an adverse impact on other borrowers or future borrowers participating in RUS loan and grant programs. The language permits the Administrator to use some flexibility in handling applications related to the recovery effort in New York and expedite processing. Any project funded through this authority will be fully scrutinized for financial feasibility. Providing regulatory flexibility to the RUS to process applications related to the recovery effort in New York will help many companies and their employees resume normal operations and restore the area's economy.

APPLE MARKET LOSS ASSISTANCE

As I mentioned at the beginning of my statement, there are parts of this bill that are not as great as the few I have highlighted. In particular, I am very disturbed that the conference report cuts the Apple Market Loss Assistance

Program to \$75 million, a 50 percent reduction from the House-passed bill. I worked very hard with my colleagues JIM WALSH and JOHN SWEENEY to include this provision in the House version of H.R. 2330. The Appropriations Committee approved \$150 million for the Apple Market Loss Assistance Program by a very strong bipartisan vote, and the House passed it overwhelmingly.

The U.S. apple industry is suffering serious financial hardship for the fifth straight year. Though the causes can be attributed to a variety of factors, the essence of the problem is low prices, compounded by bad weather and plant diseases. Between 1995 and 1998, U.S. apple prices fell precipitously, down 27 percent. In 1998, apple prices fell more than 20 percent in a single year, to their lowest point in over a decade. Prices never rebounded in 1999, and were hard hit again in 2000. During the last five years, the overall value of the U.S. apple production fell 25 percent—and losses from the 2000 crop alone are estimated to be nearly \$500 million.

A good share of the apple industry's trouble comes from the illegal dumping of apple juice concentrate by China, an issue that the U.S. Trade Representative has since addressed. Even so, increased tariffs have not made a significant improvement in the price of apple juice in the late year. In addition to low prices, apple producers in New York and the northeast incurred "quality losses"—reduction in sales prices resulting from severe hail damage to their crops. In Michigan, growers suffered a crippling epidemic of fire blight that destroyed thousands of acres of orchards.

The newspapers have been full of reports of growers pulling up their orchards and selling prime farmland for real estate development because they can no longer make a living from apples. Our Apple Market Loss Assistance Program is a very modest lifeline to farmers who are barely hanging on. While I am very grateful for the \$75 million, it is not nearly enough to combat the conditions I have described.

The cut to the Apple Market Loss Assistance program is one more example of how U.S. agricultural policy shortchanges specialty crops at the expense of program crops. Most of the money delivered by U.S.D.A. this year is mandatory spending dictated by the authorizing committee, that we do not have the authority to touch. Not a dollar of those billions goes to specialty crop growers. The same is true for the additional billions that we pay in supplemental and emergency payments every year.

I worked very hard with many of my colleagues to correct this imbalance earlier this year when the farm bill was on the floor. Unfortunately, our effort fell short by a few votes. It is my hope that the other body will pass a farm bill that evens out our priorities and results in a better deal for specialty crop growers in the end. Until that time, the greatly reduced Apple Market Loss Assistance Program is the only help we can offer our growers.

Ms. KAPTUR. Mr. Speaker, I yield back the balance of my time.

Mr. BONILLA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PUT OUR CHILDREN FIRST RESOLUTION OF 2001

Mr. HERGER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 228) expressing the sense of the Congress that the children who lost one or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services, and benefits and urging the heads of Federal agencies responsible for providing such assistance, services and benefits to give the highest possible priority to providing such assistance, services and benefits to those children, as amended.

The Clerk read as follows:

H. CON. RES. 228

Resolved by the House of Representatives (the Senate concurring), That this resolution may be cited as the "Put Our Children First Resolution of 2001".

SEC. 2. (a) The Congress is grateful to the Federal, State, and local agencies for their actions to deliver prompt services to the children and families impacted by the events of September 11, 2001, and recognizes their efforts to expedite and streamline these important services.

(b) It is the sense of the Congress that the children who lost 1 or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with such immediate assistance, services, and benefits for which they are eligible and which are necessary for their well-being, including—

- (1) foster care assistance;
- (2) adoption assistance;
- (3) medical, nutritional, and psychological care;
- (4) educational services; and
- (5) such additional care or services as may be necessary.

(c) The Congress urges each Federal, State, and local agency responsible for providing assistance, services, and benefits referred to in subsection (b) to—

- (1) act without delay to provide such assistance, services, and benefits to children described in that paragraph; and
- (2) to the maximum extent possible, take such steps as are necessary to ensure that such assistance, services, and benefits are provided in the case of any such child within 60 days of the date of the determination of the death of the child's parent, parents, or guardian.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Con. Res. 228, as amended, offered

by the gentlewoman from Texas (Ms. JACKSON-LEE). The resolution expresses Congress' gratitude for the efforts of numerous Federal, State and local agencies in moving quickly to provide services and support to children and families affected by the tragedies of September 11. It urges continued swift assistance.

Since the events of September 11, this Congress has worked with great speed to respond to the Nation's emergency needs. We provided \$40 billion in emergency funding to respond to the tragedies and shore up our national security.

The House passed important legislation to stimulate the economy and support the unemployment and health care needs of dislocated workers. Sweeping new airline measures passed each body which should become law shortly.

Defense and other appropriation measures were amended to account for our new national security and other needs.

At the same time, workers on the front lines of our social services agencies, especially in the New York City and Northern Virginia areas, respond quickly to deliver services and support.

I would like to take a moment to report on the activities of the U.S. Department of Health and Human Services agency and the State and City of New York in responding to the needs of children and families affected by the attack on our country.

HHS began responding to the attack the very day it happened providing disaster medical assistance teams, medical supplies, and mental health assistance to the affected areas. Within days HHS released emergency funds for child care, temporary food and shelter, emergency meals, child welfare services and health care. In total, HHS provided more than \$126 million for these essential services. HHS also used its emergency powers to cut through red tape to speed aid to the needs of children and families affected.

Similarly, the City and State of New York have reacted with speed and compassion to transform routine service programs into disaster response teams. What we have seen and salute today is the quick responses by so many local service providers to the needs of our fellow citizens, and especially families with children who lost one or even both parents in the September attacks.

These responses reinforced to terrorists and the world what we already knew, that we can shake America but we cannot break America. We will respond and we will rebound even stronger than before.

Perhaps the most striking examples of America coming together to respond to this tragedy have been the numerous occasions of neighbors helping neighbors and public and private agencies working together with government and charitable funds to support needy families.

Charitable donations have come from people across the economic spectrum,

from the wealthiest Americans to the sixth and seventh and eighth grade classes of Oakland, California who sold red, white and blue hair ribbons to raise \$500; or for the K through 7 youngsters of Wyandatt Grammar School in Oroville, California in my district who sold pumpkins and raised \$831 for the fund.

This resolution applauds the efforts that have already been made to support families in need and calls on continued appropriate Federal, State and local support for these children and families affected by the tragic events of September 11. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one does not know the strength of a family or a community or indeed a country until we have been hit hard by a disaster; and certainly our country and my city was hit hard on September 11. But we just do not know how long it is going to take and what the response is going to be until things like this happen, because yesterday morning Flight 587, an American Airlines flight, took off from Kennedy headed for Santo Domingo. It crashed 2 minutes later. 260 people lost their lives; 9 of these people were part of the crew. Almost all of these people were Dominican. Almost half came from my congressional district, and this morning I was there with the survivors as they were looking for social services and trying to identify those who have been lost.

Mr. Speaker, I say this because all of us in the Congress and the country really have to treat each other with more civility and more dignity and be more aware of those who give their lives and help ease the pain when communities suffer something like this. These people who left to go to Santo Domingo for Thanksgiving or Christmas to have family reunions left behind people who will never see them again.

□ 1815

It is just a reliving in a lesser way the nearly 5,000 people who are dead or presumed to be dead as a result of the tragedy of September 11.

We cannot restore these families, we cannot bring back the lives, but we can talk about the services that have been available, the courageous people who have tried to save lives, those that continue to give spiritual and social services. We can thank Members of Congress such as the gentlewoman from Texas (Ms. JACKSON-LEE) for reminding us and being able to never allow us to forget that we have to be ever vigilant, we have to be ever prepared to give these prompt services to families and especially to children of these families. Getting in the habit of caring, getting in the habit of loving, getting in the habit of recognizing that we all are just one family makes it easier for us to respond and makes it easier for the

affected families to try to bring their lives together. I think that the Congress does well by giving support to this legislation.

Mr. Speaker, I ask unanimous consent that the sponsor of this legislation, the gentlewoman from Texas (Ms. JACKSON-LEE), be allowed to control the remainder of my time on this bill.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HERGER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding time, and I appreciate all the work that the gentlewoman from Texas has done on this resolution.

Mr. Speaker, I rise in support of the Put Our Children First resolution. I believe that this measure will help to ensure that children impacted by the terrorist attacks of September 11 will receive the assistance, services and benefits they need.

Words cannot express the effect of September 11 on the children who lost one or both parents in New York, Pennsylvania, or at the Pentagon. I know all of us have been stunned to learn that as many as 10,000 children lost one or both parents at the World Trade Center. I strongly believe that we have an obligation to do all that we can to help these young people move forward with their lives. In the coming weeks and months, each child will require something different and something special. Some children will require everything from medical care, and others may need foster care and adoption assistance. Still others will require the experienced ear of a therapist, counselor, or a psychologist.

Our country has seen a remarkable display of unity in the 8 weeks since September 11. I know of the hard work and assistance of countless individuals who have put their lives on the line to help others. As the rest of the country returns to a more normal routine, we must not forget that the events of September 11 will affect these children forever. The Put Our Children First resolution urges our Federal agencies responsible for assistance to these children, the Department of Health and Human Services, the Department of Education and others, to continue their hard work and to provide the necessary services to each affected child without delay. This is the least we can do.

Mr. Speaker, I urge my colleagues to support this important resolution. Again, I thank the sponsor of this bill, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I thank the Members who have come to the floor for their support and kind words. This has been a long journey for

those who have suffered and for the effort to ensure that as we work together in Federal and local and State agencies that we put our children first. I would like to thank the majority leader, the gentleman from Texas (Mr. ARMEY); and the minority leader, the gentleman from Missouri (Mr. GEPHARDT); the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), to whom I spoke very frequently about this bill and its language; the gentleman from New York (Mr. RANGEL), the ranking member, who worked very closely with myself and my staff; the gentleman from California (Mr. HERGER), as well, for his leadership and support; the gentleman from Texas (Mr. GONZALEZ); and members of their staff: Kirk Boyle, Siobahn Abell, Dan Turton, Janis Mays, Allison Giles, Bob Winters, Matt Weidinger, John Kelliher, Nick Gwyn and Kevin Kimble. We would not want to leave anyone out who was able to help us move this legislation, for I think it is important for this Congress to stand on the floor of the House and mention and be concerned about our children. I would like to thank my staff, Rajah Manno, for his assistance as well.

I believe that this is an important day. We realize that there has been a great deal of effort to nurture those children who have lost a parent, a guardian or parents. In the shadow of the tragedy that happened on yesterday, the terrible airplane crash, let me offer my deepest sympathies to New York and to Queens, New York, again; but as your mayor said, I know that this too will be one that they will rise to overcome, but I understand the deep pain.

This will be a long journey for those whose children would be impacted by the loss of individuals on that airplane and in that neighborhood. This has been a long journey for those children on September 11 who as well lost their parents. In a ceremony on Veterans' Day, the President of the United States joined in honoring those who lost their lives at the World Trade Center from around the world. In looking at writings that were on the railing of the platform where the ceremony was held on Veterans' Day, there were several writings. One of them simply said, "I love you, Daddy. Love, Lucy."

How many daddies and mommies and others were lost on September 11? The reason we proposed this legislation and now bring it to the floor is because we believe that this will be a long journey and the long journey will last into these children's lives for as long as they live; for September 11, a day of infamy, will be in America's lives and in American history for as long as we survive.

Today, 2 months after the tragedies, estimates of the number of children impacted vary greatly. Unofficial estimates place the number between 10,000 based on various news sources and cited several weeks ago on National

Public Radio by Senator HILLARY RODHAM CLINTON and 15,000 cited in an editorial in the Times on September 26, 2001. We do know that 4,000 children qualify as orphans under the Twin Towers Orphan Fund and some 1,500 children were left by the 700 missing Cantor Fitzgerald employees alone. Dennis Buckley of Lynbrook, a successful broker at Cantor Fitzgerald, left three little girls: Mary Kate, 6; Megan, 4; and Michele, 20 months. Daniel Harlin, 41, a Manhattan firefighter who lived in Kent in Putnam County, left behind his wife and their three children aged 9, 7, and 2. So whatever the official numbers are, as Mayor Giuliani correctly noted, these numbers are simply more than any of us can bear.

As chair of the Congressional Children's Caucus, I call on this Congress to recognize the uncounted victims of these tragedies, the children, the children who remain, not being able to call out to daddy or mommy and not being able to call out to their guardian, their grandmother or grandfather. This resolution today puts in the forefront the needs that they may have. It likewise applauds those local governments who have already been on the front line. But we want to emphasize that the children over a long period of time when maybe the dust settles and maybe the degree of publicity will no longer be there, they will need foster care assistance, adoption assistance, medical and nutritional and psychological assistance, educational services, such as additional care or services as might be necessary in light of this tragedy.

A story was written in the Washington Post just a couple of weeks ago; and it commented on one of the young victims, if you will, who had lost their parents. It indicated that he had a hard time going to sleep. He was 5 years old. And when he went to sleep, he had nightmares. We want to be able to shore up those services with Federal assistance from Health and Human Services to ensure that the children will be protected. This legislation asks that we expedite these services for these children, and we ask that the services be rendered to them within 60 days of designation of a death certificate.

At a recent Congressional Children's Caucus briefing on October 12, Cindy Freidmutter, executive director of the Evan B. Donaldson Adoption Institute in New York, spoke to this issue. She noted that after September 11, the adoption institute proposed the Permanency Project to minimize further trauma and uncertainty in the lives of children who lost one or both parents. One of the most important aspects is getting children to a caregiver, a relative or somewhere where they can stay for a period of time, where they have a stable family structure, because repeated changes in caregivers for displaced children can cause irreparable harm.

Second, children who lost their parent benefit by having a permanent caregiver who is a family member or a close family friend, and when possible it is beneficial for such children to remain with their siblings. Separation from remaining biological family members can cause those children significant additional trauma. So we ask today that this Congress goes on record in embracing the children who lost their families during that terrible tragedy and also goes on record to ensure that we would have the kind of attention that is necessary to them over a long period of time.

We are very gratified that the leadership of this Congress has seen fit to move this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased that the gentleman has yielded me this time, and I am very honored to be a cosponsor of this resolution along with the gentlewoman from Texas. Together we cochair the Congressional Children's Caucus. We had a series of briefings on this terrible tragedy, because in scenes worse than a horror movie, Americans witnessed the hijacked planes slam into the World Trade Center and the Pentagon and fall to the ground in Pittsburgh; and in the blink of an eye thousands of lives were snatched and Americans lost our sense of safety. These acts of terror tested the courage and the strength of Americans, but it helped us to grow stronger and more united.

Today we are pulling together to rebuild our Nation and working toward a heightened sense of security. But as we restore our lives, we must not forget the children who lost a parent or a guardian in the September 11 attacks. For millions who watched the carnage, the harrowing images will be imprinted forever in our memory. But for the children who lost a parent in this catastrophic act of terror, their lives will never be the same again.

Today, as an original cosponsor of H. Con. Res. 228, I am proud to join my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), who has worked tirelessly to see this bill through. I thank the many cosponsors that are listed on our bill here today. This resolution calls for the immediate benefits to children who lost one or both parents or a guardian in the multiple tragedies. It will call for children of the 9-11 victims to receive foster care, medical assistance and psychological services which they so desperately need.

It has been 2 months since the evil terrorist attack upon America and still many surviving family members, particularly children of the September 11 attack, have yet to receive the benefits they need and they deserve. We recognize that all the money and the services in the world could never replace

the beloved one that they have lost, and we know that they are still in grief. But although money cannot mend their scars, the passage of this resolution can provide the necessary bandages to help heal their deep wounds. Children who lost a parent or a guardian in this national tragedy need psychological and other services right now. That is why we are asking tonight that our colleagues vote for H. Con. Res. 228 to help those victims, to help the surviving family members get the help that they need and get it now.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Ohio (Mrs. JONES).

□ 1830

Mrs. JONES of Ohio. Mr. Speaker, I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE) again for coming into my congressional district very recently to be of assistance to me and to my colleagues.

Mr. Speaker, I rise in support of House Concurrent Resolution 228, a bill to expedite services and benefits to children who lost parents or a guardian during the September 11 attacks.

In my former life, I served as the Cuyahoga County Prosecutor. One of the things I learned in that capacity was the fact that children who witness violence are often more harmed than the children who are actually within the violent situation. It is so important that our colleagues today act on behalf of those children. They have lost parents, they have lost guardians, and they have witnessed, day after day, month after month, week after week, a repetition of that violence: by seeing it on TV; through the description of the World Trade Center towers; by listening to people talk about terrorism; by being engulfed with all that has gone on in our country. It is our obligation as Members of Congress to step up to the plate and support those young people. Without our support and encouragement, that in fact would not happen.

The fact that in our country we have not given parity to mental health even makes this issue of greater importance. You think about the health care benefits that many of these children might well not have as a result of their parents or guardians being out of work; in fact, it may not give them adequate coverage to be able to receive the type of mental health care that they are entitled to under the circumstances.

I encourage my colleagues to support this resolution, to provide the educational services that are necessary for these young people, to be able to continue their lives and be useful citizens in our country, the assistance for adoption and foster care. We have talked about this over and over again on the floor of the House, the importance of having a strong family around young people to help them grow and to build, to help provide support for them, even through adoption or through foster care.

I am confident that there are many parents and many families out here who would love to take in an additional child, but financial situations may not allow them to do so. For us to be able to encourage these families to take on more children, to be supportive, to provide guidance, I often say to people when we talk to them, my son Mervyn is 18, and I used to tell him all the time there were times when I thought I wanted to be his friend, but he needed a parent more than he needed a friend. These people in fact need parents who will stand up and teach them the right way and help them work through this whole loss that they have had.

So I am pleased to rise with my colleagues in support of this resolution, and would encourage all of my colleagues to vote in favor of it.

I thank the gentlewoman from the State of Texas for her hard work and other Members who have worked on this resolution.

Mr. HERGER. Mr. Speaker, I urge support of H. Con. Res. 228, as amended, and yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to indicate to this House that although this legislation is being sponsored today, debated today and, I hope, passed, this will be a very long journey for these children. It is important that we set a framework and establish, if you will, a national forum for these children to have the protection that they need.

In closing, I would just like to thank the 40-plus cosponsors, many of them from New York, and thank the cochair of the Congressional Children's Caucus, the gentlewoman from Florida (Ms. ROS-LEHTINEN), who worked so very closely with me as we proceeded to bring this legislation to the attention of our colleagues through special orders.

I do want to thank, as well, the co-chairs of the Women's Caucus for supporting this legislation, the distinguished gentlewoman from Ohio and the distinguished gentlewoman from California (Ms. MILLENDER-MCDONALD). I thank them very much for their support, as well as the gentlewoman from Illinois who spoke on this legislation.

I also want to pay tribute to the Calderon family, who visited with us just a few weeks ago. They lost their mother, Lizzie. Their 4-year-old daughter and 20-month-old son, even as we tried to listen to their story, the two children were calling for "Mommy." These are the children that we are trying to emphasize as we go forward with this legislation.

Similarly, as I read stories about the tragedy of yesterday's airplane crash, it was noted that one parent left her children with her relatives as she was en route to the Dominican Republic to handle family business. Those children would fall in the category of being able to have services rendered to them with

an eye toward expediting those services.

Mr. Speaker, I include for the RECORD letters of support from the National Mental Health Association, the Orphan Foundation of America, Save the Children and the Children's National Medical Center in support of H. Con. Res. 228, as amended.

NATIONAL MENTAL HEALTH
ASSOCIATION,
Alexandria, VA, September 24, 2001.

Hon. SHEILA JACKSON LEE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: On behalf of the National Mental Health Association, the country's oldest and largest non-profit organization addressing all aspects of mental health and mental illness, I am writing to lend our full support for H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

We endorse the purpose of this timely resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the tragedies that befell our nation on September 11, 2001. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred these great losses in the World Trade Center, Pentagon and Somerset County, Pennsylvania tragedies. Importantly, the resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits.

We will urge all Members of Congress to join you and the resolution's 57 co-sponsors in supporting this legislation, as we believe it is essential that Congress demonstrate its support for our nation's children, who are our most innocent victims of this tragedy.

Thank you for introducing H. Con. Res. 228.

Sincerely,
MICHAEL M. FAENZA, MSSW
President and CEO.

ORPHAN FOUNDATION OF AMERICA,
Reston, VA, September 24, 2001.

Hon. SHEILA JACKSON LEE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: On behalf of the Orphan Foundation of America (OFA), I am writing to lend our full support of H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

OFA endorses the purpose of this timely resolution; it is vital to prioritize the delivery of benefits and services already available under federal law to children who have lost parent(s) or guardians as a result of the tragedy that befell our nation on September 11, 2001. The resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay and it seeks to remedy that for those who need services.

We will urge all Members of Congress to join you and the resolution's 57 cosponsors in supporting this legislation. Thank you for introducing H. Con. Res. 228.

Sincerely,
EILEEN McCaffrey,
Executive Director.

SAVE THE CHILDREN,

Washington, DC, September 25, 2001.

Hon. SHEILA JACKSON LEE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: On behalf of Save the Children, I am writing to lend our support for H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

We endorse the purpose of the resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the September 11, 2001 tragedies. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred losses in the World Trade Center, Pentagon, and Somerset County, Pennsylvania.

Save the Children applauds your efforts in recognizing the immediate needs of the children who suffered such a great loss as a result of this tragedy. We see this as an essential first step and hope that we can continue to build upon this initiative to meet the long-term needs of children everywhere who have been affected by these tragedies and potential future events.

We look forward to working with you.

Sincerely,
KATHLEEN CONNOLLY,
Director, Public Policy
and Advocacy, U.S.
Programs.

CHILDREN'S NATIONAL MEDICAL CENTER,
Washington, DC, September 24, 2001.

Hon. SHEILA JACKSON-LEE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON-LEE: On behalf of our organization, I am writing to lend our full support for H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

We endorse the purpose of this timely resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the tragedies that befell our nation on September 11, 2001. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred these great losses in the World Trade Center, Pentagon and Somerset County, Pennsylvania tragedies. Importantly, the resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits.

We will urge all Members of Congress to join you and the resolution's 57 co-sponsors in supporting this legislation, as we believe it is essential that Congress demonstrate its support for our nation's children, who are our most innocent victims of this tragedy.

Thank you for introducing H. Con. Res. 228.

Sincerely,
PARAMJIT JOSHI, M.D.,
Professor and Chair,
Psychiatry and Be-
havioral Sciences.

NATIONAL ASSOCIATION OF
SCHOOL PSYCHOLOGISTS,
Bethesda, MD, September 28, 2001.

Hon. SHEILA JACKSON LEE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: On behalf of the National Association of School

Psychologists (NASP), I am writing to lend our full support for H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001. NASP represents over 22,000 school psychologists who work with families and educators to promote youngsters' healthy development and learning. NASP strongly supports public policies that meet the mental health needs of all Americans and particularly those of children and youth.

We endorse the purpose of this timely resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the tragedies that befell our nation on September 11, 2001. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred these great losses in the World Trade Center, Pentagon and Somerset County, Pennsylvania tragedies. Importantly, the resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits.

We will urge all Members of Congress to join you and the resolution's numerous co-sponsors in supporting this legislation, as we believe it is essential that Congress demonstrate its support for our nation's children, who are our most innocent victims of this tragedy.

Thank you for introducing H. Con. Res. 228.
Sincerely,

LIBBY K. NEALIS,
Director of Public Policy.

CHILD WELFARE LEAGUE
OF AMERICA, INC.,

Washington, DC, September 25, 2001.

Hon. SHEILA JACKSON LEE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: On behalf of the Child Welfare League of America (CWLA), I am writing to lend our support for H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

We endorse the purpose of this timely resolution, which is to express the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the tragedies that befell our nation on September 11th. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred these great losses in the World Trade Center, Pentagon and Somerset County, Pennsylvania tragedies. Importantly, the resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits.

We will urge all Members of Congress to join you and the resolution's co-sponsors in supporting this legislation. We believe it is essential that Congress demonstrate its support for our nation's children, who are our most innocent victims of this tragedy.

Sincerely,

SHAY BILCHIK,
Executive Director.

AMERICAN ACADEMY OF CHILD &
ADOLESCENT PSYCHIATRY,
Washington, DC.

Hon. SHEILA JACKSON LEE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: On behalf of the American Academy of Child and Adolescent Psychiatry, I offer our full support for H. Con. Res. 228, which you introduced in the House of Representatives on September 14, 2001.

We endorse the purpose of this timely resolution, which expresses the desire of Congress to provide immediate relief to the children who suffered the irreplaceable loss of parents or guardians due to the tragedies that befell our nation on September 11, 2001. As this resolution recognizes, it is vital to prioritize the delivery of benefits and services already available under federal law to children who have incurred these great losses in the World Trade Center, Pentagon and Somerset County, Pennsylvania tragedies.

The resolution recognizes that the delivery of crucial services and benefits is sometimes delayed due to statutory or administrative delay, often leaving those in need waiting for relief. It is essential that the children who suffered such a great loss as a result of this tragedy not suffer again because of delayed access to needed services and benefits.

We will urge all Members of Congress to join you and the resolution's 57 co-sponsors in supporting this legislation, as we believe it is essential that Congress demonstrate its support for our nation's children, who are our most innocent victims of this tragedy.

Thank you for introducing H. Con. Res. 228.
Sincerely,

CLARICE J. KESTENBAUM, M.D.,
President.

Mr. Speaker, I would simply like to thank again my colleagues for their support, and I would ask for their unanimous support of this legislation, recognizing that it is our responsibility to be our brothers' and sisters' keepers, but in particular, the keepers of America's children, our most precious resource.

Mr. Speaker, I'd also like to take this opportunity to thank everyone responsible for bringing this important resolution to the floor: Majority Leader DICK ARMEY, Minority Leader DICK GEPHARDT, Ways and Means Chairman BILL THOMAS, Ways and Means Ranking Member CHARLIE RANGEL, Congressman WALLY HERGER, Congressman CHARLES GONZALEZ, and Members of their staffs including Kirk Boyle, Dan Turton, Janice Mays, Allison Giles, Bob Winters, Matt Weidinger, John Kelliher, Nick Gwyn, and Kevin Kimble. Your good work on this legislation demonstrates the greatest spirit of bi-partisanship.

The tragedies of September 11, 2001 are fresh in our hearts and minds. The thousands of victims from over 80 countries around the world evidence that these were truly attacks against all humanity.

As the world grieves these deaths, yesterday's disaster of American Airlines Flight 587 increases our grief even still. Flight 587 took the lives of at least 262 people when it crashed into the New York section of Rockaway, Queens just three minutes after taking off from John F. Kennedy International Airport en route to Santo Domingo, Dominican Republic. While the preliminary investigation is being treated as an accident, this tragedy, like that of September 11, 2001, remind us of the fragility of human life and the need to maintain

our efforts to strengthen our airline security efforts. So as we all pray for those of September 11, 2001, America and the world also pray for the victims and families of American Airlines Flight 587.

We must remember the victims. But perhaps the greatest victims of September 11, 2001 are the yet-to-be counted children who's parents or guardians never came home on September 11, 2001, and never will.

Today, two months after the tragedies, estimates of the numbers of children impacted vary greatly. Unofficial estimates place the number between 10,000, based on various news sources and cited several weeks ago on National Public Radio by Senator HILLARY RODHAM CLINTON, and 15,000, cited in an editorial in the Times on Sept. 26, 2001. We do know that 4,000 children qualify as "orphans" under the Twin Towers Orphan Fund, and some 1,500 children were left by the 700 missing Canter Fitzgerald employees alone. Dennis Buckley of Lynbrook, a successful broker at Cantor Fitzgerald, left three little girls—Mary Kate, 6, Megan, 4, and Michele, 20 months.

Daniel Harlin, 41, a Manhattan firefighter who lived in Kent in Putnam County, left behind his wife and their three children, aged 9, 7, and 2. So whatever the official numbers are, as Mayor Rudolph W. Giuliani correctly noted, these numbers are simply "more than any of us can bear."

As chair of the Congressional Children's Caucus, I call on Congress to recognize the uncounted victims of these tragedies: the children. Their slain parents and guardians were the passengers and crew of Flight 77, Flight 11, Flight 93, and Flight 175. They served our great Nation at the Pentagon, both as civilians and military, and they were the thousands of innocent civilians and rescue workers killed or injured at the World Trade Center on September 11, 2001.

My resolution before us today, H. Con. Res. 228, addresses this great need. It expresses the sense of the Congress that the children who lost one or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services, and benefits and urging Federal, State, or local agencies responsible for providing such assistance, services, and benefits to move expeditiously in providing such assistance, services and benefits to those children.

This resolution is non-controversial. It expedites the delivery of benefits currently available under federal law to children who have lost their parent(s) or guardian in this horrific tragedy. Those benefits should include: (1) foster care assistance; (2) adoption assistance; (3) medical, nutritional, and psychological care; (4) educational services; and (5) such additional care or services as may be necessary in light of this tragedy.

Additionally, we urge such agencies, to act without delay and to the maximum extent possible, to take such steps as necessary to ensure that such assistance, services and benefits are provided within 60 days of the date of the determination of the death of the child's parent or guardian.

Much of the funds that would be utilized for services in this legislation would come from the Social Security block grant (SSBG). The

SSBG is a flexible source of funds that states may use to support a wide variety of social services activities.

In FY 1999, the largest expenditures for services under the SSBG were for child day care, foster care for children, and prevention and intervention services.

There are no federal eligibility criteria for SSBG participants. Thus, states have total discretion to set their own eligibility criteria (with exception of the welfare reform law's income limit of 200% of poverty for recipients of services funded by TANF allotments that are transferred to SSBG). States also have wide discretion over the use of these funds. Federal law establishes the following broad goals toward which social services must be directed:

Achieving or maintaining economic self-support to prevent, reduce, or eliminate delinquency;

Achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating or reuniting families;

Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; and

Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

Federal law also provides the following examples of social services that may relate to these broad goals:

Child care, protective services for children and adults, services for children and adults in foster care, health support services, and services to meet special needs of children, aged, mentally retarded, blind, emotionally disturbed, physically handicapped, alcoholics and drug addicts.

H. Con. Res. 228 would express to the States that these funds be expeditiously distributed to the proper agencies so that needed services for the children who lost parents or a guardian during the attacks of September 11 may be rendered.

Mr. Speaker, this resolution is greatly needed now.

FOSTER CARE AND ADOPTION SERVICES

These services are crucial to any child who has lost their parent(s) or guardian. The importance of providing such services expeditiously cannot be underestimated, particularly in light of compounding emotional trauma endured by these children.

At a recent Congressional Children's Caucus briefing held on October 12th, 2001, Cindy Freidmutter, Executive Director of the Evan B. Donaldson Adoption Institute in New York spoke to this issue. She noted that after September 11, the Adoption Institute proposed the Permanency Project to minimize further trauma and uncertainty in the lives of children who lost one or both parents in the attacks.

This project is needed due to the uncertain future faced by children who have lost their parent(s) or guardian. For many of these children, extended family members become decision-makers and permanent caregivers for these children. Some children, however, may not have a relative or friend to assume parental responsibility and eventually enter the public welfare system. Other children find themselves moved around from relative to relative.

Best practices and research in the fields of adoption and child welfare dictate that two considerations should be paramount in offering crisis services to these children and their families/caregivers. First, it is critical to quickly institute and support a stable family structure because repeated changes in caregivers for displaced children can cause irreparable harm. Second, children who have lost their parent benefit by having a permanent caregiver who is a family member or close family friend, and when possible, it is beneficial for such children to remain with their siblings. Separation from remaining biological family members can cause these children significant additional trauma.

This resolution recognizes these needs, and to the greatest extent possible, provides for services that best serve these children.

MEDICAL AND NUTRITIONAL SERVICES

Without a parent or guardian to provide regular medical and nutritional services, children face worsening situations still. This resolution helps to ensure that such services are available.

PSYCHOLOGICAL SERVICES

According to the National Mental Health Association, children who experience such trauma are at extreme risk of mental disorders, particularly in situations such as this, where ongoing trauma exists due to the loss of parents or a guardian. For example, children who lost a parent in the Bosnian War still experience chronic depression, post traumatic stress disorder, and grief, even years after the Bosnian War ended. These children have been further deprived of a normal grieving process due to difficult and painful thoughts in the way in which their loved one died. As a result, these children needed and continue to need intensive and long-term mental health services.

Importantly, the trauma that the Bosnian War children endured closely parallels that of the children who lost parents or a guardian in the September 11, 2001 tragedies because the circumstances and violence of the loss is analogous.

The combination of witnessing and experiencing traumatic events and multiple environmental and family factors further contributes to various mental health problems. Statistics indicate that only one in five children with a serious emotional disturbance receive mental health specialty services. That's why I introduced H.R. 75, the Give a Kid a Chance Omnibus Mental Health Services Act of 2001 to promote mental health among all children and their families and to provide early intervention services to ameliorate identified mental health problems in children and adolescents. This legislation is greatly needed, but the resolution before us today, H. Con. Res. 228, effectively addresses the issue of mental health in our children in light of these tragedies.

Mental health is indispensable to personal well-being, family and interpersonal relationships, and contribution to community or society. This resolution recognizes the need for such services and helps to make them available.

EDUCATIONAL SERVICES

Clearly, children displaced from their homes, communities, and families must be stabilized as soon as possible, before further damage is done. One of the most important factors in providing such stability immediately, and in

preventing further de-stabilization is maintaining the level of education that existed prior to the loss of the parent(s) or guardian. This resolution helps provide for such services.

OTHER SERVICES

Finally, other services may be deemed appropriate in light of the situation as it progresses. While it is impossible to anticipate and enumerate every conceivable situation calling for the need for such services, this resolution recognizes the need for common sense and discretion in determining what services are needed given the particular situation as it applies to children.

UPDATE ON MR. CALDERON AND HIS CHILDREN

Mr. Calderon is 39 years old and moved to New York City from the Dominican Republic 7 years ago. He and his children currently reside in the Washington Heights neighborhood of Manhattan.

At an October 12 briefing sponsored by the Congressional Children's Caucus, Mr. Calderon spoke about his wife Lizie Martinez-Calderon, who is still missing from the attack at the World Trade Center.

Lizie was employed with Aon Financial Group, which was located on the 100th floor of Tower 2. They were married in 1996.

The Calderons have two young children, Naomi, 4 years old, and Neftali, 20 months. Mr. Calderon is a school bus driver, but was forced to take a leave of absence in order to care for his children.

As a result of that briefing, which included a panel of experts whose agencies deliver services to families, Mr. Calderon is now able to provide for his children. The American Red Cross, with the personal assistance of Ron Houle, presented Mr. Calderon with 2 months rent, and will be providing food and winter clothes for his children shortly. Mr. Calderon is also expecting financial assistance from the Red Cross to help with living expenses and to help secure a future for his children. Because of this greatly needed assistance, Mr. Calderon is able to return to his job in a few weeks.

AFGHAN CHILDREN

While H. Con. Res. 228 specifically speaks on the children who lost parents during the September 11 attacks, there are millions of children in Afghanistan who will lose a father and/or mother as a result of the War Against Terrorism. A generation of Afghan children is at risk. We cannot forget these children and they will be the focus on an upcoming briefing cosponsored by the Children's Caucus.

As Members of Congress, we bear the great burden of providing and protecting these children. This is perhaps our greatest and most sacred responsibility. So today I urge us all to come together as parents, as leaders, and as Americans to provide these children with the services and benefits that they so desperately need and are entitled to.

Let us pass H. Con. Res. 228, the Put Our Children First Resolution of 2001 because children are our first and greatest responsibility. May God bless the Children, and may God bless the United States of America.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 228, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will now resume on questions postponed earlier today.

Votes will be taken in the following order:

H.R. 2330, by the yeas and nays;

H.R. 2541, by the yeas and nays.

Any other questions postponed today will remain postponed until tomorrow.

Under clause 8 of rule XX, the filing of the conference report on H.R. 2500 has vitiated the motion to instruct conferees offered by the gentleman from California (Mr. ROHRBACHER), which was debated on Thursday, November 8, 2001, and on which further proceedings were postponed.

The Chair will reduce to a minimum of 5 minutes the time for electronic voting on the second vote in this series.

CONFERENCE REPORT ON H.R. 2330, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 2330, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 379, nays 33, not voting 20, as follows:

[Roll No. 436]

YEAS—379

Abercrombie	Bentsen	Boswell
Ackerman	Bereuter	Boucher
Aderholt	Berkley	Boyd
Allen	Berman	Brady (PA)
Andrews	Berry	Brady (TX)
Armey	Biggert	Brown (FL)
Baca	Bilirakis	Brown (OH)
Bachus	Bishop	Brown (SC)
Baird	Blagojevich	Bryant
Baker	Blumenauer	Burr
Baldacci	Blunt	Burton
Ballenger	Boehlert	Buyer
Barcia	Boehner	Callahan
Barr	Bonilla	Calvert
Bartlett	Bonior	Camp
Barton	Bono	Cannon
Becerra	Borski	Cantor

Capito	Hobson	Nethercutt
Capps	Hoefl	Ney
Capuano	Hoekstra	Northup
Cardin	Holden	Norwood
Carson (IN)	Holt	Nussle
Carson (OK)	Honda	Oberstar
Castle	Hooley	Obey
Chambliss	Horn	Olver
Clay	Houghton	Ortiz
Clayton	Hoyer	Osborne
Clement	Hunter	Ose
Clyburn	Hyde	Otter
Coble	Inslee	Owens
Collins	Isakson	Oxley
Combest	Issa	Pallone
Condit	Istook	Pascarella
Conyers	Jackson (IL)	Pastor
Cooksey	Jackson-LEE	Payne
Costello	(TX)	Pelosi
Coyne	Jefferson	Pence
Cramer	Jenkins	Peterson (MN)
Crenshaw	John	Peterson (PA)
Crowley	Johnson (CT)	Phelps
Culberson	Johnson (IL)	Pickering
Cummings	Jones (NC)	Platts
Cunningham	Jones (OH)	Pombo
Davis (CA)	Kanjorski	Pomeroy
Davis (FL)	Kaptur	Portman
Davis (IL)	Keller	Price (NC)
Davis, Jo Ann	Kelly	Pryce (OH)
Deal	Kennedy (MN)	Putnam
DeFazio	Kennedy (RI)	Quinn
DeGette	Kildee	Radanovich
DeLauro	Kilpatrick	Rahall
DeLay	King (NY)	Ramstad
DeMint	Kingston	Rangel
Deutsch	Kirk	Regula
Diaz-Balart	Kleczka	Rehberg
Dicks	Knollenberg	Reynolds
Dingell	Kolbe	Riley
Dooley	Kucinich	Rivers
Doolittle	LaFalce	Rodriguez
Doyle	LaHood	Roemer
Dreier	Lampson	Rogers (KY)
Duncan	Langevin	Rogers (MI)
Dunn	Lantos	Ros-Lehtinen
Edwards	Largent	Ross
Ehlers	Larsen (WA)	Rothman
Ehrlich	Larson (CT)	Roukema
Emerson	Latham	Roybal-Allard
Engel	LaTourette	Rush
English	Leach	Ryun (KS)
Eshoo	Lee	Sabo
Etheridge	Levin	Sanchez
Evans	Lewis (CA)	Sanders
Everett	Lewis (KY)	Sandlin
Farr	Linder	Sawyer
Fattah	Lipinski	Saxton
Ferguson	LoBiondo	Schaffer
Fletcher	Lofgren	Schakowsky
Foley	Lowey	Schiff
Forbes	Lucas (KY)	Schrock
Ford	Luther	Scott
Fossella	Lynch	Serrano
Frank	Maloney (CT)	Sessions
Frelinghuysen	Maloney (NY)	Shaw
Frost	Manzullo	Sherman
Gallegly	Markay	Shimkus
Ganske	Matheson	Shows
Gekas	Matsui	Shuster
Gephardt	McCarthy (MO)	Simmons
Gibbons	McCarthy (NY)	Simpson
Gilchrest	McCollum	Skeen
Gilman	McCrery	Skelton
Gonzalez	McGovern	Slaughter
Goode	McHugh	Smith (MI)
Goodlatte	McInnis	Smith (NJ)
Gordon	McIntyre	Smith (TX)
Granger	McKeon	Smith (WA)
Graves	McKinney	Snyder
Green (TX)	McNulty	Solis
Greenwood	Meehan	Souder
Grucci	Meek (FL)	Spratt
Guierrez	Meeks (NY)	Stearns
Hall (OH)	Mica	Stenholm
Hall (TX)	Millender-	Strickland
Hansen	McDonald	Stump
Harman	Miller, Dan	Stupak
Hart	Miller, George	Sununu
Hastings (WA)	Miller, Jeff	Sweeney
Hayes	Mollohan	Tanner
Hayworth	Moore	Tauscher
Herger	Moran (KS)	Tauzin
Hill	Moran (VA)	Taylor (MS)
Hilleary	Morrell	Terry
Hilliard	Murtha	Thomas
Hinojosa	Myrick	Thompson (CA)
	Nadler	Thompson (MS)
	Neal	Thornberry

Thune	Velazquez	Weldon (PA)
Thurman	Visclosky	Weller
Tiahrt	Vitter	Whitfield
Tiberi	Walden	Wicker
Tierney	Walsh	Wilson
Towns	Wamp	Wolf
Trafcant	Waters	Woolsey
Turner	Watkins (OK)	Wu
Udall (CO)	Watson (CA)	Wynn
Udall (NM)	Watt (NC)	Young (AK)
Upton	Waxman	Young (FL)

NAYS—33

Akin	Hefley	Pitts
Baldwin	Hostettler	Rohrabacher
Barrett	Israel	Royce
Bass	Johnson, Sam	Ryan (WI)
Chabot	Kerns	Sensenbrenner
Crane	Kind (WI)	Shadegg
Davis, Tom	McDermott	Shays
Doggett	Menendez	Tancred
Flake	Miller, Gary	Taylor (NC)
Green (WI)	Paul	Toomey
Gutknecht	Petri	Weldon (FL)

NOT VOTING—20

Cox	Hulshof	Reyes
Cubin	Johnson, E. B.	Sherwood
Filner	Lewis (GA)	Stark
Gillmor	Lucas (OK)	Watts (OK)
Goss	Mascara	Weiner
Graham	Mink	Wexler
Hastings (FL)	Napolitano	

□ 1857

Messrs. WELDON of Florida, BARRETT of Wisconsin, and AKIN changed their vote from "yea" to "nay."

Mr. GEORGE MILLER of California and Ms. SLAUGHTER changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 436, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

ENHANCED PROTECTIVE ACTIVITIES ACT OF 2001

The SPEAKER pro tempore (Mr. LATOURETTE). The pending business is the question of suspending the rules and passing the bill, H.R. 2541, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2541, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 22, as follows:

[Roll No. 437]

YEAS—410

Abercrombie	Baldacci	Bereuter
Ackerman	Baldwin	Berkley
Aderholt	Ballenger	Berman
Akin	Barcia	Berry
Allen	Barr	Biggert
Andrews	Barrett	Bilirakis
Armey	Bartlett	Bishop
Baca	Barton	Blagojevich
Bachus	Bass	Blumenauer
Baird	Becerra	Blunt
Baker	Bentsen	Boehlert

Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest

Gilman
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinches
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Klecicka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)

Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-
McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascarell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer

Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder

Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traffant
Turner

Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Cox
Cubin
Davis, Tom
Filner
Fossella
Gillmor
Goss
Graham
Hastings (FL)
Hoyer
Hulshof
Lewis (GA)
Lucas (OK)
Mascara
Mink
Napolitano

□ 1910

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 437, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-287) on the resolution (H. Res. 286) waiving points of order against the conference report to accompany the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2779

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 2779.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROMOTING SAFE AND STABLE FAMILIES AMENDMENTS OF 2001

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2873) to extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV-E of that act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes, as amended.

The Clerk read as follows:

H. R. 2973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Safe and Stable Families Amendments of 2001".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

TITLE I—PROMOTING SAFE AND STABLE FAMILIES

Subtitle A—Grants to States for Promoting Safe and Stable Families

Sec. 101. Findings and purpose.

Sec. 102. Definition of family support services.

Sec. 103. Reallotments.

Sec. 104. Payments to States.

Sec. 105. Evaluations, research, and technical assistance.

Sec. 106. Authorization of appropriations; reservation of certain amounts.

Sec. 107. State court improvements.

Subtitle B—Mentoring Children of Prisoners

Sec. 121. Program authorized.

TITLE II—FOSTER CARE AND INDEPENDENT LIVING

Sec. 201. Educational and training vouchers for youths aging out of foster care.

Sec. 202. Reallocation and extension of funds.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

SEC. 3. REFERENCES.

Except as otherwise specified in this Act, an amendment made by this Act to a section or other provision shall be considered an amendment to the section or other provision of the Social Security Act.

TITLE I—PROMOTING SAFE AND STABLE FAMILIES

Subtitle A—Grants to States for Promoting Safe and Stable Families

SEC. 101. FINDINGS AND PURPOSE.

Section 430 (42 U.S.C. 629) is amended to read as follows:

"SEC. 430. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that there is a continuing urgent need to protect children and to strengthen families as demonstrated by the following:

"(1) Family support programs directed at specific vulnerable populations have had positive effects on parents, children, or both. The vulnerable populations for which programs have been shown to be effective include teenage mothers with very young children and families that have children with special needs.

"(2) Family preservation programs have been shown to provide extensive and intensive services to families in crisis.

"(3) The time lines established by the Adoption and Safe Families Act of 1997 have made

the prompt availability of services to address family problems (and in particular the prompt availability of appropriate services and treatment addressing substance abuse) an important factor in successful family reunification.

“(4) The rapid increases in the annual number of adoptions since the enactment of the Adoption and Safe Families Act of 1997 have created a growing need for postadoption services and for service providers with the particular knowledge and skills required to address the unique issues adoptive families and children may face.

“(b) PURPOSE.—The purpose of this program is to enable States to develop and establish, or expand, and to operate coordinated programs of community-based family support services, family preservation services, time-limited family reunification services, and adoption promotion and support services to accomplish the following objectives:

“(1) To prevent child maltreatment among families at risk through the provision of supportive family services.

“(2) To assure children's safety within the home and preserve intact families in which children have been maltreated, when the family's problems can be addressed effectively.

“(3) To address the problems of families whose children have been placed in foster care so that reunification may occur in a safe and stable manner in accordance with the Adoption and Safe Families Act of 1997.

“(4) To support adoptive families by providing support services as necessary so that they can make a lifetime commitment to their children.”.

SEC. 102. DEFINITIONS.

(a) INCLUSION OF INFANT SAFE HAVEN PROGRAMS AMONG FAMILY PRESERVATION SERVICES.—Section 431(a)(1) (42 U.S.C. 629a(a)(1)) is amended—

(1) by striking “and” at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting “; and”; and

(3) by adding at the end the following:

“(F) infant safe haven programs to provide a way for a parent to safely relinquish a newborn infant at a safe haven designated pursuant to a State law.”.

(b) FAMILY SUPPORT SERVICES.—Section 431(a)(2) (42 U.S.C. 629a(a)(2)) is amended by inserting “to strengthen parental relationships and promote healthy marriages,” after “environment.”.

SEC. 103. REALLOTMENTS.

Section 433 (42 U.S.C. 629c) is amended by adding at the end the following:

“(d) REALLOTMENTS.—The amount of any allotment to a State under this section for any fiscal year that the State certifies to the Secretary will not be required for carrying out the State plan under section 432 shall be available for reallocation using the allotment methodology specified in this section. Any amount so reallocated to a State is deemed part of the allotment of the State under the preceding provisions of this section.”.

SEC. 104. PAYMENTS TO STATES.

(a) IN GENERAL.—Section 434(a) (42 U.S.C. 629d(a)) is amended—

(1) by striking paragraph (2);

(2) by striking all that precedes subparagraph (A) of paragraph (1) and inserting the following:

“(a) ENTITLEMENT.—Each State that has a plan approved under section 432 shall be entitled to payment of the lesser of—”; and

(3) by redesignating subparagraphs (A) and (B) of paragraph (1) as paragraphs (1) and (2), respectively, and by indenting the provisions 2 ems to the left.

(b) CONFORMING AMENDMENTS.—Section 434(b) (42 U.S.C. 629d(b)) is amended—

(1) in paragraph (1)—

(A) by striking “paragraph (1) or (2)(B) of”; and

(B) by striking “described in this subpart” and inserting “under the State plan under section 432”; and

(2) in paragraph (2), by striking “subsection (a)(1)” and inserting “subsection (a)”.

SEC. 105. EVALUATIONS, RESEARCH, AND TECHNICAL ASSISTANCE.

Section 435 (42 U.S.C. 629e) is amended—

(1) by striking all that precedes “the effectiveness” in paragraph (1) of subsection (a), including the heading for section 435 and the caption for subsection (a), and inserting the following:

“SEC. 435. EVALUATIONS; RESEARCH; TECHNICAL ASSISTANCE.

“(a) EVALUATIONS.—

“(1) IN GENERAL.—The Secretary shall evaluate and report to the Congress biennially on”;.

(2) by adding at the end of subsection (a) the following:

“(3) TIMING OF REPORT.—Beginning in 2003, the Secretary shall submit the biennial report required by this subsection not later than April 1 of every other year, and shall include in each such report the funding level, the status of ongoing evaluations, findings to date, and the nature of any technical assistance provided to States under subsection (d).”; and

(3) by adding at the end the following:

“(c) RESEARCH.—The Secretary shall give priority consideration to the following topics for research and evaluation under this subsection, using rigorous evaluation methodologies where feasible:

“(1) Promising program models in the service categories specified in section 430(b), particularly time-limited reunification services and postadoption services.

“(2) Multi-disciplinary service models designed to address parental substance abuse and to reduce its impacts on children.

“(3) The efficacy of approaches directed at families with specific problems and with children of specific age ranges.

“(4) The outcomes of adoptions finalized after enactment of the Adoption and Safe Families Act of 1997.

“(d) TECHNICAL ASSISTANCE.—To the extent funds are available therefor, the Secretary shall provide technical assistance that helps States and Indian tribes to—

“(1) develop research-based protocols for identifying families at risk of abuse and neglect of use in the field;

“(2) develop treatment models that address the needs of families at risk, particularly families with substance abuse issues;

“(3) implement programs with well-articulated theories of how the intervention will result in desired changes among families at risk;

“(4) establish mechanisms to ensure that service provision matches the treatment model; and

“(5) establish mechanisms to ensure that postadoption services meet the needs of the individual families and develop models to reduce the disruption rates of adoption.”.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.

(a) MANDATORY FUNDING.—

(1) IN GENERAL.—Subpart 2 of part B of title IV (42 U.S.C. 629–629e) is amended by adding at the end the following:

“SEC. 436. AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.

“(a) AUTHORIZATION.—There are authorized to be appropriated to carry out the provisions of this subpart \$305,000,000 for each of fiscal years 2002 through 2006.

“(b) RESERVATION OF CERTAIN AMOUNTS.—From the amount specified in subsection (a) for a fiscal year, the Secretary shall reserve amounts as follows:

“(1) EVALUATION, RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE.—The Secretary shall reserve \$6,000,000 for expenditure by the Secretary—

“(A) for research, training, and technical assistance costs related to the program under this subpart; and

“(B) for evaluation of State programs based on the plans approved under section 432 and funded under this subpart, and any other Federal, State, or local program, regardless of whether federally assisted, that is designed to achieve the same purposes as the State programs.

“(2) STATE COURT IMPROVEMENTS.—The Secretary shall reserve \$10,000,000 for grants under section 438.

“(3) INDIAN TRIBES.—The Secretary shall reserve 1 percent for allotment to Indian tribes in accordance with section 433(a).”.

(2) CONFORMING AMENDMENTS.—Section 433 (42 U.S.C. 629c) is amended—

(A) in subsection (a), by striking “section 430(d)(3)” and inserting “section 436(b)(3)”;

(B) in subsection (b)—

(i) by striking “section 430(b)” and inserting “section 436(a)”;

(ii) by striking “section 430(d)” and inserting “section 436(b)”;

(C) in subsection (c)(1)—

(i) by striking “section 430(b)” and inserting “section 436(a)”;

(ii) by striking “section 430(d)” and inserting “section 436(b)”.

(b) DISCRETIONARY FUNDING.—Subpart 2 of part B of title IV (42 U.S.C. 629–629e) is further amended by adding at the end the following:

“SEC. 437. DISCRETIONARY GRANTS.

“(a) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—In addition to any amount appropriated pursuant to section 436, there are authorized to be appropriated to carry out this section \$200,000,000 for each of fiscal years 2002 through 2006.

“(b) RESERVATION OF CERTAIN AMOUNTS.—From the amount (if any) appropriated pursuant to subsection (a) for a fiscal year, the Secretary shall reserve amounts as follows:

“(1) EVALUATION, RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE.—The Secretary shall reserve 3.3 percent for expenditure by the Secretary for the activities described in section 436(b)(1).

“(2) STATE COURT IMPROVEMENTS.—The Secretary shall reserve 3.3 percent for grants under section 438.

“(3) INDIAN TRIBES.—The Secretary shall reserve 2 percent for allotment to Indian tribes in accordance with subsection (c)(1).

“(c) ALLOTMENTS.—

“(1) INDIAN TRIBES.—From the amount (if any) reserved pursuant to subsection (b)(3) for any fiscal year, the Secretary shall allot to each Indian tribe with a plan approved under this subpart an amount that bears the same ratio to such reserved amount as the number of children in the Indian tribe bears to the total number of children in all Indian tribes with State plans so approved, as determined by the Secretary on the basis of the most current and reliable information available to the Secretary.

“(2) TERRITORIES.—From the amount (if any) appropriated pursuant to subsection (a) for any fiscal year that remains after applying subsection (b) for the fiscal year, the Secretary shall allot to each of the jurisdictions of Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, and American Samoa an amount determined in the same manner as the allotment to each of such jurisdictions is determined under section 421.

“(3) OTHER STATES.—From the amount (if any) appropriated pursuant to subsection (a) for any fiscal year that remains after applying subsection (b) and paragraph (2) of this subsection for the fiscal year, the Secretary shall allot to each State (other than an Indian tribe) which is not specified in paragraph (2) of this subsection an amount equal to such remaining amount multiplied by the food stamp percentage (as defined in section 433(c)(2)) of the State for the fiscal year.

“(d) GRANTS.—The Secretary may make a grant to a State which has a plan approved under this subpart in an amount equal to the lesser of—

“(1) 75 percent of the total expenditures by the State for activities under the plan during the fiscal year or the immediately succeeding fiscal year; or

“(2) the allotment of the State under subsection (c) for the fiscal year.

“(e) APPLICABILITY OF CERTAIN RULES.—The rules of subsections (b) and (c) of section 434 shall apply in like manner to the amounts made available pursuant to this section.”.

SEC. 107. STATE COURT IMPROVEMENTS.

(a) SCOPE OF ACTIVITIES.—Section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

“(2) to implement improvements the highest state courts deem necessary as a result of the assessments, including—

“(A) to provide for the safety, well-being, and permanence of children in foster care, as set forth in the Adoption and Safe Families Act of 1997 (Public Law 105-89); and

“(B) to implement a corrective action plan, as necessary, resulting from reviews of child and family service programs under section 1123A of this Act.”; and

(2) in subsection (c)(1), in the matter preceding subparagraph (A), by inserting “and improvement” after “assessment”.

(b) ALLOTMENTS.—Section 13712(c)(1) of such Act (42 U.S.C. 670 note) is amended by striking all that follows “shall be entitled to payment,” and inserting “for each of fiscal years 2002 through 2006, from the amount reserved pursuant to section 436(b)(2) (and the amount, if any, reserved pursuant to section 437(b)(2)), of an amount equal to the sum of \$85,000 plus the amount described in paragraph (2) of this subsection for the fiscal year.”.

(c) FEDERAL SHARE.—Section 13712(d) of such Act (42 U.S.C. 670 note) is amended—

(1) in the heading, by striking “USE OF GRANT FUNDS” and inserting “FEDERAL SHARE”; and

(2) by striking “to pay—” and all that follows and inserting “to pay not more than 75 percent of the cost of activities under this section in each of fiscal years 2002 through 2006.”.

(d) CONFORMING AMENDMENTS.—Section 13712 of such Act (42 U.S.C. 670 note) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “of title IV of the Social Security Act”; and

(B) in paragraph (1)(A), by striking “of title IV of such Act”; and

(2) in subsection (c)(2), by striking “section 430(d)(2) of the Social Security Act” and inserting “section 436(b)(2) (and the amount, if any, reserved pursuant to section 437(b)(2))”.

(e) TRANSFER AND REDESIGNATION.—Section 13712 of such Act (42 U.S.C. 670 note), as amended by the preceding provisions of this section, is redesignated as section 438 and is transferred to the end of subpart 2 of part B of title IV of the Social Security Act.

Subtitle B—Mentoring Children of Prisoners SEC. 121. PROGRAM AUTHORIZED.

Subpart 2 of part B of title IV (42 U.S.C. 629–629e) is further amended by adding at the end the following:

“SEC. 439. GRANTS FOR PROGRAMS FOR MENTORING CHILDREN OF PRISONERS.

“(a) FINDINGS AND PURPOSE.—

“(1) FINDINGS.—

“(A) In the period between 1991 and 1999, the number of children with a parent incarcerated in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. In 1999, 2.1 percent of all children in the United States had a parent in Federal or State prison.

“(B) Prior to incarceration, 64 percent of female prisoners and 44 percent of male prisoners in State facilities lived with their children.

“(C) Nearly 90 percent of the children of incarcerated fathers live with their mothers, and 79 percent of the children of incarcerated mothers live with a grandparent or other relative.

“(D) Parental arrest and confinement lead to stress, trauma, stigmatization, and separation problems for children. These problems are coupled with existing problems that include poverty, violence, parental substance abuse, high-crime environments, intrafamilial abuse, child abuse and neglect, multiple care givers, and/or prior separations. As a result, these children often exhibit a broad variety of behavioral, emotional, health, and educational problems that are often compounded by the pain of separation.

“(E) Empirical research demonstrates that mentoring is a potent force for improving children's behavior across all risk behaviors affecting health. Quality, one-on-one relationships that provide young people with caring role models for future success have profound, life-changing potential. Done right, mentoring markedly advances youths' life prospects. A widely cited 1995 study by Public/Private Ventures measured the impact of one Big Brothers Big Sisters program and found significant effects in the lives of youth—cutting first-time drug use by almost half and first-time alcohol use by about a third, reducing school absenteeism by half, cutting assaultive behavior by a third, improving parental and peer relationships, giving youth greater confidence in their school work, and improving academic performance.

“(2) PURPOSE.—The purpose of this section is to authorize the Secretary to make competitive grants to applicants in areas with substantial numbers of children of incarcerated parents, to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring services for children of prisoners.

“(b) DEFINITIONS.—In this section:

“(1) CHILDREN OF PRISONERS.—The term ‘children of prisoners’ means children one or both of whose parents are incarcerated in a Federal, State, or local correctional facility. The term is deemed to include children who are in an ongoing mentoring relationship in a program under this section at the time of their parents' release from prison, for purposes of continued participation in the program.

“(2) MENTORING.—The term ‘mentoring’ means a structured, managed program in which children are appropriately matched with screened and trained adult volunteers for one-on-one relationships, involving meetings and activities on a regular basis, intended to meet, in part, the child's need for involvement with a caring and supportive adult who provides a positive role model.

“(3) MENTORING SERVICES.—The term ‘mentoring services’ means those services and activities that support a structured, managed program of mentoring, including the management by trained personnel of outreach to, and screening of, eligible children; outreach to, education and training of, and liaison with sponsoring local organizations; screening and training of adult volunteers; matching of children with suitable adult volunteer mentors; support and oversight of the mentoring relationship; and establishment of goals and evaluation of outcomes for mentored children.

“(c) PROGRAM AUTHORIZED.—From the amounts appropriated under subsection (h) for a fiscal year that remain after applying subsection (h)(2), the Secretary shall make grants under this section for each of fiscal years 2002 through 2006 to State or local governments, tribal governments or tribal consortia, faith-based organizations, and community-based organizations in areas that have significant numbers of children of prisoners and that submit applications meeting the requirements of this section, in amounts that do not exceed \$5,000,000 per grant.

“(d) APPLICATION REQUIREMENTS.—In order to be eligible for a grant under this section, the chief executive officer of the applicant must sub-

mit to the Secretary an application containing the following:

“(1) PROGRAM DESIGN.—A description of the proposed program, including—

“(A) a list of local public and private organizations and entities that will participate in the mentoring network;

“(B) the name, description, and qualifications of the entity that will coordinate and oversee the activities of the mentoring network;

“(C) the number of mentor-child matches proposed to be established and maintained annually under the program;

“(D) such information as the Secretary may require concerning the methods to be used to recruit, screen support, and oversee individuals participating as mentors, (which methods shall include criminal background checks on the individuals), and to evaluate outcomes for participating children, including information necessary to demonstrate compliance with requirements established by the Secretary for the program; and

“(E) such other information as the Secretary may require.

“(2) COMMUNITY CONSULTATION; COORDINATION WITH OTHER PROGRAMS.—A demonstration that, in developing and implementing the program, the applicant will, to the extent feasible and appropriate—

“(A) consult with public and private community entities, including religious organizations, and including, as appropriate, Indian tribal organizations and urban Indian organizations, and with family members of potential clients;

“(B) coordinate the programs and activities under the program with other Federal, State, and local programs serving children and youth; and

“(C) consult with appropriate Federal, State, and local corrections, workforce development, and substance abuse and mental health agencies.

“(3) EQUAL ACCESS FOR LOCAL SERVICE PROVIDERS.—An assurance that public and private entities and community organizations, including religious organizations and Indian organizations, will be eligible to participate on an equal basis.

“(4) RECORDS, REPORTS, AND AUDITS.—An agreement that the applicant will maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

“(5) EVALUATION.—An agreement that the applicant will cooperate fully with the Secretary's ongoing and final evaluation of the program under the plan, by means including providing the Secretary access to the program and program-related records and documents, staff, and grantees receiving funding under the plan.

“(e) FEDERAL SHARE.—

“(1) IN GENERAL.—A grant for a program under this section shall be available to pay a percentage share of the costs of the program up to—

“(A) 75 percent for the first and second fiscal years for which the grant is awarded; and

“(B) 50 percent for the third and each succeeding such fiscal years.

“(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of projects under this section may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

“(f) CONSIDERATIONS IN AWARDED GRANTS.—In awarding grants under this section, the Secretary shall take into consideration—

“(1) the qualifications and capacity of applicants and networks of organizations to effectively carry out a mentoring program under this section;

“(2) the comparative severity of need for mentoring services in local areas, taking into consideration data on the numbers of children (and in

particular of low-income children) with an incarcerated parents (or parents) in the areas;

“(3) evidence of consultation with existing youth and family service programs, as appropriate; and

“(4) any other factors the Secretary may deem significant with respect to the need for or the potential success of carrying out a mentoring program under this section.

“(g) EVALUATION.—The Secretary shall conduct an evaluation of the programs conducted pursuant to this section, and submit to the Congress not later than April 15, 2005, a report on the findings of the evaluation.

“(h) AUTHORIZATION OF APPROPRIATIONS; RESERVATION OF CERTAIN AMOUNTS.—

“(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this section \$67,000,000 for each of fiscal years 2002 and 2003, and such sums as may be necessary for each succeeding fiscal year.

“(2) RESERVATION.—The Secretary shall reserve 2.5 percent of the amount appropriated for each fiscal year under paragraph (1) for expenditure by the Secretary for research, technical assistance, and evaluation related to programs under this section.”

TITLE II—FOSTER CARE AND INDEPENDENT LIVING

SEC. 201. EDUCATIONAL AND TRAINING VOUCHERS FOR YOUTHS AGING OUT OF FOSTER CARE.

(a) PURPOSE.—Section 477(a) (42 U.S.C. 677(a)) is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(6) to make available vouchers for education and training, including postsecondary training and education, to youths who have aged out of foster care.”

(b) EDUCATIONAL AND TRAINING VOUCHERS.—Section 477 (42 U.S.C. 677) is amended by adding at the end the following:

“(i) EDUCATIONAL AND TRAINING VOUCHERS.—The following conditions shall apply to a State educational and training voucher program under this section:

“(1) Vouchers under the program may be available to youths otherwise eligible for services under the State program under this section.

“(2) For purposes of the voucher program, youths adopted from foster care after attaining age 16 may be considered to be youths otherwise eligible for services under the State program under this section.

“(3) The State may allow youths participating in the voucher program on the date they attain 21 years of age to remain eligible until they attain 23 years of age, as long as they are enrolled in a postsecondary education or training program and are making satisfactory progress toward completion of that program.

“(4) The voucher or vouchers provided for an individual under this section—

“(A) may be available for the cost of attendance at an institution of higher education, as defined in section 102 of the Higher Education Act of 1965; and

“(B) shall not exceed the lesser of \$5,000 per year or the total cost of attendance, as defined in section 472 of that Act.

“(5) The amount of a voucher under this section may be disregarded for purposes of determining the recipient's eligibility for, or the amount of, any other Federal or Federally supported assistance, except that the total amount of educational assistance to a youth under this section and under other Federal and Federally supported programs shall not exceed the total cost of attendance, as defined in section 472 of the Higher Education Act of 1965, and except that the State agency shall take appropriate steps to prevent duplication of benefits under

this and other Federal or Federally supported programs.

“(6) The program is coordinated with other appropriate education and training programs.”

(c) CERTIFICATION.—Section 477(b)(3) (42 U.S.C. 677(b)(3)) is amended by adding at the end the following:

“(J) A certification by the chief executive officer of the State that the State educational and training voucher program under this section is in compliance with the conditions specified in subsection (i), including a statement describing methods the State will use—

“(i) to ensure that the total amount of educational assistance to a youth under this section and under other Federal and Federally supported programs does not exceed the limitation specified in subsection (i)(5); and

“(ii) to avoid duplication of benefits under this and any other Federal or Federally assisted benefit program.”

(d) INCREASED AUTHORIZATIONS OF APPROPRIATIONS.—Section 477(h) (42 U.S.C. 677(h)) is amended by striking “there are authorized” and all that follows and inserting the following: “there are authorized to be appropriated to the Secretary for each fiscal year—

“(1) \$140,000,000, which shall be available for all purposes under this section; and

“(2) an additional \$60,000,000, which are authorized to be available for payments to States for education and training vouchers for youths who age out of foster care, to assist the youths to develop skills necessary to lead independent and productive lives.”

(e) ALLOTMENTS TO STATES.—Section 477(c) (42 U.S.C. 677(c)) is amended—

(1) in paragraph (1)—

(A) by striking “(1) IN GENERAL.—From the amount specified in subsection (h)” and inserting “(1) GENERAL PROGRAM ALLOTMENT.—From the amount specified in subsection (h)(1)”;

(B) by striking “which bears the same ratio” and inserting “which bears the ratio”; and

(C) by striking “as the number of children in foster care” and all that follows and inserting “equal to the State foster care ratio, as adjusted in accordance with paragraph (2).”; and

(2) by adding at the end the following new paragraphs:

“(3) VOUCHER PROGRAM ALLOTMENT.—From the amount, if any, appropriated pursuant to subsection (h)(2) for a fiscal year, the Secretary may allot to each State with an application approved under subsection (b) for the fiscal year an amount equal to the State foster care ratio multiplied by the amount so specified.

“(4) STATE FOSTER CARE RATIO.—In this subsection, the term ‘State foster care ratio’ means the ratio of the number of children in foster care under a program of the State in the most recent fiscal year for which the information is available to the total number of children in foster care in all States for the most recent fiscal year.”

(f) PAYMENTS TO STATES.—

(1) IN GENERAL.—Section 474(a)(4) (42 U.S.C. 674(a)(4)) is amended to read as follows:

“(4) an amount equal to the amount (if any) by which—

“(A) the lesser of—

“(i) 80 percent of the amounts expended by the State during the fiscal year in which the quarter occurs to carry out programs in accordance with the State application approved under section 477(b) for the period in which the quarter occurs (including any amendment that meets the requirements of section 477(b)(5)); or

“(ii) the amount allotted to the State under section 477(c)(1) for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this paragraph for all prior quarters in the fiscal year; exceeds

“(B) the total amount of any penalties assessed against the State under section 477(e) during the fiscal year in which the quarter occurs.”

(2) DISCRETIONARY GRANTS.—Section 474 (42 U.S.C. 674) is amended by adding at the end the following:

“(e) DISCRETIONARY GRANTS FOR EDUCATIONAL AND TRAINING VOUCHERS FOR YOUTHS AGING OUT OF FOSTER CARE.—From amounts appropriated pursuant to section 477(h)(2), the Secretary may make a grant to a State with a plan approved under this part, for a calendar quarter, in an amount equal to the lesser of—

“(1) 80 percent of the amounts expended by the State during the quarter to carry out programs for the purposes described in section 477(a)(6); or

“(2) the amount, if any, allotted to the State under section 477(c)(3) for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this subsection for such purposes for all prior quarters in the fiscal year.”

SEC. 202. REALLOCATION AND EXTENSION OF FUNDS.

(a) REALLOCATION OF UNUSED FUNDS.—Section 477(d) (42 U.S.C. 677(d)) is amended by adding at the end the following:

“(4) REALLOCATION OF UNUSED FUNDS.—If a State does not apply for funds under this section for a fiscal year within such time as may be provided by the Secretary, the funds to which the State would be entitled for the fiscal year shall be reallocated to 1 or more other States on the basis of their relative need for additional payments under this section, as determined by the Secretary.”

(b) TEMPORARY EXTENSION OF AVAILABILITY OF INDEPENDENT LIVING FUNDS.—Notwithstanding section 477(d)(3) of the Social Security Act, payments made to a State under section 477 of such Act for fiscal year 2000 shall remain available for expenditure by the State through fiscal year 2002.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under subpart 2 of part B or part E of the Social Security Act that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments specified in subsection (a) of this section, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet the additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore (Mr. OTTER). Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great pleasure that I bring to the floor today H.R. 2873, the Promoting Safe and Stable Families Amendments of 2001.

This legislation reauthorizes and increases by a total of \$1 billion over 5 years Federal support for a broad range of services to support fragile families and prevent abuse and neglect of our Nation's children.

This legislation was first proposed by President Bush, and I am pleased that the version before us today authorizes the full amount of new funding the President sought.

As we work to reauthorize the promoting safe and stable families program, I have had the great fortune of meeting courageous people who share their love and their homes by adopting children with special needs.

I learned stories of personal triumph from young people thriving after a lifetime of bouncing from home to home in the foster care system.

I also learned of many of our colleagues here in the Congress who have opened their homes to foster and adopted children, and how their lives are better because of it.

□ 1915

In these times of national uncertainty, I am pleased to report that recent legislation changes, designed to better support abused and neglected children, are working. For example, since the signing of the Adoption and Safe Families Act of 1997, more than 133,000 children have been adopted from foster care. That is a 56 percent increase over the previous 3-year period.

Mr. Speaker, I include for the RECORD a recent Washington Post article describing how adoptions in Maryland and Virginia increased by 84 percent over the last 5 years.

The text of the article is as follows:

[From the Region, Sat., November 3, 2001]

MD., VA. FOSTER-CARE ADOPTIONS UP

RISE IN FUNDING, CHANGE IN FEDERAL LAW
CREDITED FOR INCREASE

(By Michael E. Ruane)

Maryland and Virginia officials yesterday announced substantial increases in the number of children who have been adopted from foster care over the last five years.

Maryland's Department of Human Resources said there had been a 23 percent increase in the number of foster-care adoptions in the last year, and an 84 percent increase over the last five years.

Maryland officials said 852 children were adopted from foster care in fiscal 2001, an increase of 161 over the previous year.

This year's adoptions were almost double the state's 462 foster-care adoptions in 1996. The announcement was made to coincide with National Adoption Awareness Month this month.

Virginia said its foster-care adoptions rose from 291 in 1997 to 592 in 2001. Figures could not be obtained yesterday from the District.

The most dramatic increase in Maryland was in Baltimore, the officials said, where 514 adoptions were finalized this year, compared with 160 five years ago.

"These are good trends for us," said Stephanie Johnson Pettaway, adoption manager with the Maryland Human Resources' social services administration.

Officials from both states credited the federal Adoption and Safe Families Act of 1997 for much of the increases.

"This law has allowed more flexibility to improve adoption rates," said Charles Ingram, spokesman for the Virginia Department of Social Services. "We've put a great effort into this."

The act has also provided more money for the adoption process.

"That act mandated that some of the monies that went to states for foster care and

child welfare services . . . be given to the states to be used specifically to increase and encourage the number of adoptions," Pettaway said.

"The money then helped to fuel some of the programs that we needed to do to move adoptions," she said. Among other things, it helped pay private agencies that recruited adoptive parents and performed home studies, she said.

But adopting parents also played a vital role. Pettaway said she believes that lately there has been a renewed public interest in families, and a recognition that many children lack a family. She said there are also increasing numbers of parents who have already raised their children but still have the energy and the love to raise more.

"It's a fantastic feeling to just know that you've opened your home to some little folks," said Margurite Addison, 56, Pikesville, who, with her husband, William, 53, has adopted three foster children and is in the process of adopting a fourth. "How can you not open your home?"

"This is love that you can see every day," she said, noting that she and her husband have raised six children of their own. "It's a feeling that only an adoptive parent can" explain.

As the article states, "Officials from both States credited the Federal Adoption and Safe Families Act of 1997 for much of the increases." We have reason to be proud of the success of 1997 law and we must build on this momentum. That is what H.R. 2873 does.

Our legislation also authorizes two bipartisan priority initiatives sought by the President: first, a new mentoring program for the children of prisoners; and second, new education vouchers worth up to \$5,000 per youth aging out of foster care. President Bush is to be commended for his vision in proposing such important and promising new initiatives.

Mr. Speaker, I also would like to thank my colleagues on the Committee on Ways and Means for their support in moving this legislation forward, that includes the gentleman from Maryland (Mr. CARDIN), the ranking member on the Subcommittee on Human Resources, who first joined me in introducing H.R. 2873 in September. I also thank my fellow Republican subcommittee members including the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from Oklahoma (Mr. WATKINS), the gentleman from Michigan (Mr. CAMP) and the gentleman from Pennsylvania (Mr. ENGLISH), among many others who have taken a personal interest in moving this legislation forward.

But most of all, I commend the families and social service providers who work every day to protect children from harm and to provide loving and permanent homes for children. Their personal commitment to these children means more than any government program. It is my hope that passing this legislation today would serve to recognize the importance of their efforts and demonstrate our resolve to further strengthen families in the years to come.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. CARDIN asked and was given permission to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, first let me thank the gentleman from California (Mr. HERGER) for his leadership on these issues and for bringing forward this legislation. The two of us have worked together in a bipartisan spirit in order to move legislation that is important for America's families.

Promoting Safe and Stable Families is a very important program. It deals with the most vulnerable families that we have in our community. These are children at risk, at risk of being put into foster care. This program has enjoyed strong bipartisan support because it protects the family unit; it protects our most vulnerable children.

I support this suspension, this bill, because we have already seen a 6-week expiration of this program. This program expired at the beginning of the fiscal year, and if we do not reauthorize it, the States would see an immediate reduction of Federal funds dedicated to these very important programs, including case worker oversight, substance abuse treatment, mental health services, respite care, domestic violence assistance and other related services.

Mr. Speaker, though I must express my real disappointment that this legislation does not include the full requests requested by President Bush and included in the budget resolution that was passed by the Congress, we had approved an additional \$200 million a year for the next 5 years in the Safe and Stable Families Program, the legislation we are considering this evening does not provide for that \$200 million increase.

As the gentleman from California (Mr. HERGER) properly pointed out, we authorize, but we do not include it under the basic guarantee to our States. That is not adequate.

I might say, on the tuition vouchers for children in foster care, the President also requested that we provide those funds. It was included in the budget, and we are not including it in the legislation before us. That is very unfortunate. We are talking about children who will not receive the services as a result of these additional funds not being made available. We estimate in 2002 alone 76,000 families would have benefited from that extra \$200 million that will not be made available.

The gentleman from California (Mr. HERGER) also points out that we have authorized additional money. The problem is, our appropriators have already acted and they have only provided \$70 million of the additional \$327 million that the President requested. We had the ability in this legislation to make sure those funds were available and it was provided for in our budget resolution. We have should have done better.

There are some that say we can no longer afford this because of the September 11 tragedies. We do not want

the terrorists to win. The terrorists should not prevent us from taking care of our families. We have already passed in this body legislation that would spend during this period \$150 billion, primarily on tax relief. Cannot we afford, Mr. Speaker, another \$1 billion for our children?

So although I support this legislation, it is important that we authorize the program, it is important that the funding continue to our local governments to provide these services. We should have done better. We should have done what the President asked us to do and with what our own budget resolution would have provided.

I hope, as this legislation make its way through the other body, that we will find the resolve to include the extra monies as a mandatory expenditure, as requested by the President, and that we can in fact live up to our commitment to America's families.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I would like to mention that we have authorized an increase for \$1 billion over 5 years. The appropriators have already appropriated an additional \$70 million dollars for this year; that is an increase that is larger than the last 4 years put together. So I do believe we are putting the dollars forward to ensure that these very important programs are funded.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania, Ms. HART.

Ms. HART. Mr. Speaker, how can we forget the story of the teenager in New Jersey who delivered a baby in a restroom, abandoned the child in a trash can and returned to her high school prom? Or perhaps you recall the new story of an infant discovered in a back yard and the infant was mauled by a hungry dog. In fact, in my district alone, three abandoned infants have been found this year, including one this last week. Fortunately, he was found alive and is recovering.

The Safe and Stable Families amendments include money to help inform young women that there are safe havens available. There are opportunities for them to avoid this tragedy, the death of an infant. It is impossible to know the exact number of infants who are abandoned each year, but media accounts remind us that this is a growing problem nationwide. Between 1991 and 1998, for example, the number of abandoned babies discovered nationwide almost doubled.

These young women are often scared and they hide their pregnancies out of this fear, and then they abandon their children, hoping someone will find them; or just abandon them out of fear, not thinking clearly. But in response to this problem many States, in fact 30, beginning with the State of Texas, enacted Safe Haven laws. These laws provide for an alternative for these young women, that they can leave their children somewhere safe, whether it is a

hospital or police station, without being prosecuted for abandonment.

This legislation throughout these States saves two lives. It saves the baby, Mr. Speaker, and also the young woman who is afraid and alone and not thinking clearly.

As of last week, as I mentioned, a total of 30 States have passed Safe Haven Laws as well, but many are considering Safe Haven laws as well. We must help on the Federal level to prevent this tragedy of newborn babies being abandoned or killed. Safe Haven laws encourage responsible behavior by these women, but these young women will not take advantage of them if they are not aware of them.

The Promoting Safe and Stable Families amendments allow the State to use some of their block grant money to help solve the problem of infant abandonment. This amendment would allow these States to use their block grants to fund public information campaigns and provide education and training to assist the States as they implement these new laws. This is similar to my legislation, H.R. 2018, the Safe Haven Support Act which has 76 co-sponsors of both parties.

Mr. Speaker, I commend the gentleman from California (Mr. HERGER) and the members of the committee for their work on this important issue, because it means, again, saving the baby's life but also saving the life of a young mother.

Mr. CARDIN. Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. ENGLISH), a member of the subcommittee.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding me time. I especially want to thank the chairman of the subcommittee for his extraordinary efforts to move this legislation forward.

Mr. Speaker, President Kennedy once said, "Every American ought to have the right to be treated as he would wish to be treated, as one would wish his children to be treated." That is not the case.

Mr. Speaker, across the United States thousands of children each day are abused and neglected. According to the most recent statistics, 826,000 children were the victims of neglect and abuse in 1999. That works out to about 12 children out of every 1,000. In Pennsylvania alone, more than 5,000 children each year are the victims of significant negligence or abuse.

If you think about it, that is a cumulative burden to our society that is truly massive. It is a massive cumulative burden with multiplying social problems and costs.

Mr. Speaker, I know this is not how we wish to be treated, let alone how we wish our children to be treated.

The Safe and Stable Families Act of 2001 authorizes funding to protect the Nation's children from that abuse with

funding rising from \$305 million to \$505 million. Under this plan, Pennsylvania will receive at least \$13.6 million to support vital programs that give children a safe start, enhancing preventive services for families in crisis, as well as family reunification and adoption promotion service.

This legislation provides States with the tools that they need to preserve and support families, promote adoption and provide overall support for children. This legislation is critical because it shows that Congress is committed to ensuring that all children live in safe, permanent and loving homes.

Through this legislation we also create a Federal program that will allow local governments to reach out to the children of prisoners, developing outreach or mentoring programs. This bill works to ensure the safety and welfare of children while strengthening and preserving the family.

Mr. Speaker, I urge my colleagues to join me in supporting this bill so that every child, regardless of race, religion or socioeconomic status, has a safe place to call home, a stable family life and the opportunity to achieve the American dream.

Mr. COLLINS. Mr. Speaker, I thank Chairman BILL THOMAS and Subcommittee Chairman WALLY HERGER for their effort on this important legislation, the Promoting Safe and Stable Families Amendments of 2001 (H.R. 2873).

H.R. 2873 reauthorizes the Promoting Safe and Stable Families program, which is the primary federal resource to prevent child abuse and neglect. This legislation takes important steps to help strengthen parental relationships and promote healthy marriages. It is for this reason that I offer my strong support for this important legislation.

I support H.R. 2873 because it recognizes the importance of a loving and stable family in the life of a child. While many Americans, such as myself, have been blessed to grow up in loving families, there are too many that do not have such a family. Recognizing this fact and the need for a loving, nurturing and disciplined home in the life of a child, Truett Cathy, the founder and CEO of Chik-Fil-A restaurants, established WinShape Homes in 1987.

Mr. Cathy started WinShape Homes to provide a loving, nurturing home for those children who are victims of circumstances and need a stable, secure family environment in which to grow and mature. Since 1987, WinShape Homes have served over 250 children. Currently, there are approximately 125 children in WinShape's eleven homes. These homes strive to meet all the physical, emotional, and spiritual needs of the children, and they stress character building, manners, proper dress, and hygiene. WinShape accepts boys and girls ages 6–16 regardless of race, culture, or religion. While WinShape Homes cannot adopt the children in their care, these homes function as loving and stable families for these children. A person never graduates from WinShape, even after marriage. Simply put, a WinShape family member is a family member for life.

Mr. Speaker, while I support this legislation and its goals, I am concerned about a related

issue resulting from the Adoption and Safe Families Act of 1997 (ASFA) and the unintended consequences it could have on some children, particularly those who have found a loving home at WinShape. Rightfully, ASFA seeks to end the "foster care drift" that results when children are abused or neglected by their birth parents by placing these children in loving, adoptive homes. In this regard, ASFA has enjoyed great success. Unfortunately, ASFA's provisions do not adequately address the unique situation found in the families at WinShape Homes.

The problem for places like WinShape has resulted from ASFA's structure which pits family reunification against adoption. Under ASFA, states are required to hold "permanency" hearings no later than 12 months after placement in foster care to determine whether parental unification with the child or termination of parental rights should take place. Because WinShape Homes cannot adopt children, children at WinShape Homes may face these "termination proceedings." As a result, a child could potentially be removed from the loving family at WinShape and placed in an entirely new family environment. In addition, while WinShape places a priority on maintaining sibling relationships, such termination proceedings may result in breaking this family bond and separating one sibling from the others through the adoptive process.

Mr. Speaker, as this important work to place children in loving, stable homes continues, I ask that the Members of this House examine these provisions regarding "termination proceedings" and permanent living arrangements, such as WinShape Homes, that provide a loving and stable home for so many children. In so doing, the House will only improve on the success of the Adoption and Safe Families Act.

Once again, I thank both Chairman THOMAS and Chairman HERGER for their work to promote safe and stable families for our children. I look forward to working with them, the House Leadership and all of my colleagues in this House to ensure that more American children grow up in loving and stable families.

Mr. PORTMAN. Mr. Speaker, I rise today in support of H.R. 2873, the Safe and Stable Families Amendments of 2001. This legislation will increase funding for important programs that protect our nation's children from abuse and neglect. In addition to increasing funding for existing programs, this bill will also create a new program to provide mentoring services for the children of prisoners, and to provide educational opportunities for youth, aging out of foster care.

I especially appreciate the commitment Congress is showing to these programs because I've witnessed the success of these programs firsthand. My district is fortunate to be home to Beech Acres, a community-based organization that provides highly-tailored services to over 17,000 children and families per year. Jim Mason, the President of Beech Acres, has been a leader in pioneering creative programs for parenting.

At Beech Acres, Jim established an innovative Educational Advocacy Center for children to help provide those who have been abused, are in foster care, or have special challenges with the continuity and support that they need. The funds authorized in this bill will be helpful to Beech Acres.

I'm also pleased that the Infant Safe Haven programs was added as an allowable activity

within the Safe and Stable Families program. I know that my colleague from California, Representative HERGER, has been working with Representative MELISSA HART to find a way to address the problem of parents who want to relinquish their new born children, and I appreciate their hard work.

This legislation will help make critical improvements in our nation's child protection services. Too often, these children have been neglected first by their parents, and then by society. With this bill, we are continuing our commitment to give these children the support and attention they deserve. I encourage all my colleagues to support its passage.

Mr. CARDIN. Mr. Speaker, I yield back the balance of my time.

Mr. HERGER. Mr. Speaker, I urge support for H.R. 2873, as amended.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 2873, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1930

BEST PHARMACEUTICALS FOR CHILDREN ACT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2887) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children, as amended.

The Clerk read as follows:

H.R. 2887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Best Pharmaceuticals for Children Act".

SEC. 2. PEDIATRIC STUDIES OF ALREADY-MARKETED DRUGS.

(a) *IN GENERAL.*—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) by striking subsection (b); and
(2) by redesignating subsections (c) through (k) as subsections (b) through (j), respectively.

(b) *CONFORMING AMENDMENTS.*—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subsection (b) (as redesignated by subsection (a)(2) of this section)—

(1) by inserting after "the Secretary" the following: "determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and"; and

(2) by striking "concerning a drug identified in the list described in subsection (b)".

SEC. 3. RESEARCH FUND FOR THE STUDY OF DRUGS LACKING EXCLUSIVITY.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended—

(1) by redesignating the second section 409C (relating to clinical research) as section 409G;

(2) by redesignating the second section 409D (relating to enhancement awards) as section 409H; and

(3) by adding at the end the following:

"SEC. 409I. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS LACKING EXCLUSIVITY.

"(a) *LIST OF DRUGS LACKING EXCLUSIVITY FOR WHICH PEDIATRIC STUDIES ARE NEEDED.*—

"(1) *IN GENERAL.*—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs and experts in pediatric research, shall develop, prioritize, and publish an annual list of approved drugs for which—

"(A)(i) there is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act;

"(ii) there is a submitted application that could be approved under the criteria of section 505(j) of the Federal Food, Drug, and Cosmetic Act;

"(iii) there is no patent protection or market exclusivity protection under the Federal Food, Drug, and Cosmetic Act; or

"(iv) there is, under section 505A(c)(4)(C) of the Federal Food, Drug, and Cosmetic Act, a referral for inclusion on such list; and

"(B) additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.

"(2) *CONSIDERATION OF AVAILABLE INFORMATION.*—In developing the list under paragraph (1), the Secretary shall consider, for each drug on the list—

"(A) the availability of information concerning the safe and effective use of the drug in the pediatric population;

"(B) whether additional information is needed;

"(C) whether new pediatric studies concerning the drug may produce health benefits in the pediatric population; and

"(D) whether reformulation of the drug is necessary;

"(b) *CONTRACTS FOR PEDIATRIC STUDIES.*—The Secretary shall award contracts to entities that have the expertise to conduct pediatric clinical trials (including qualified universities, hospitals, laboratories, contract research organizations, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct pediatric studies concerning one or more drugs identified in the list described in subsection (a).

"(c) *PROCESS FOR CONTRACTS AND LABELING CHANGES.*—

"(1) *WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS LACKING EXCLUSIVITY.*—

"(A) *IN GENERAL.*—The Commissioner of Food and Drugs, in consultation with the Director of National Institutes of Health, may issue a written request (which shall include a timeframe for negotiations for an agreement) for pediatric studies concerning a drug identified in the list described in subsection (a) to all holders of an approved application for the drug under section 505 of the Federal Food, Drug, and Cosmetic Act. Such a written request shall be made in a manner equivalent to the manner in which a written request is made under subsection (a) or (b) of section 505A of the Federal Food, Drug, and Cosmetic Act, including with respect to information provided on the pediatric studies to be conducted pursuant to the request.

"(B) *PUBLICATION OF REQUEST.*—If the Commissioner of Food and Drugs does not receive a response to a written request issued under subparagraph (A) within 30 days of the date on which a request was issued, the Secretary, acting through the Director of National Institutes of Health and in consultation with the Commissioner of Food and Drugs, shall publish a request for contract proposals to conduct the pediatric studies described in the written request.

"(C) *DISQUALIFICATION.*—A holder that receives a first right of refusal shall not be entitled to respond to a request for contract proposals under subparagraph (B).

“(D) GUIDANCE.—Not later than 270 days after the date of enactment of this section, the Commissioner of Food and Drugs shall promulgate guidance to establish the process for the submission of responses to written requests under subparagraph (A).”

“(2) CONTRACTS.—A contract under this section may be awarded only if a proposal for the contract is submitted to the Secretary in such form and manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

“(3) REPORTING OF STUDIES.—

“(A) Upon completion of a pediatric study in accordance with a contract awarded under this section, a report concerning the study shall be submitted to the Director of National Institutes of Health and the Commissioner of Food and Drugs. The report shall include all data generated in connection with the study.

“(B) AVAILABILITY OF REPORTS.—Each report submitted under subparagraph (A) shall be considered to be in the public domain, and shall be assigned a docket number by the Commissioner of Food and Drugs. An interested person may submit written comments concerning such pediatric studies to the Commissioner of Food and Drugs, and the written comments shall become part of the docket file with respect to each of the drugs.

“(C) ACTION BY COMMISSIONER.—The Commissioner of Food and Drugs shall take appropriate action in response to the reports submitted under subparagraph (A) in accordance with paragraph (4).

“(4) REQUEST FOR LABELING CHANGES.—During the 180-day period after the date on which a report is submitted under paragraph (3)(A), the Commissioner of Food and Drugs shall—

“(A) review the report and such other data as are available concerning the safe and effective use in the pediatric population of the drug studied; and

“(B) negotiate with the holders of approved applications for the drug studied for any labeling changes that the Commissioner of Food and Drugs determines to be appropriate and requests the holders to make; and

“(C)(i) place in the public docket file a copy of the report and of any requested labeling changes; and

“(ii) publish in the Federal Register a summary of the report and a copy of any requested labeling changes.

“(5) DISPUTE RESOLUTION.—If, not later than the end of the 180-day period specified in paragraph (4), the holder of an approved application for the drug involved does not agree to any labeling change requested by the Commissioner of Food and Drugs under that paragraph—

“(A) the Commissioner of Food and Drugs shall immediately refer the request to the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee; and

“(B) not later than 90 days after receiving the referral, the Subcommittee shall—

“(i) review the available information on the safe and effective use of the drug in the pediatric population, including study reports submitted under this section; and

“(ii) make a recommendation to the Commissioner of Food and Drugs as to appropriate labeling changes, if any.

“(6) FDA DETERMINATION.—Not later than 30 days after receiving a recommendation from the Subcommittee under paragraph (5)(B)(ii) with respect to a drug, the Commissioner of Food and Drugs shall consider the recommendation and, if appropriate, make a request to the holders of approved applications for the drug to make any labeling change that the Commissioner of Food and Drugs determines to be appropriate.

“(7) FAILURE TO AGREE.—If a holder of an approved application for a drug, within 30 days after receiving a request to make a labeling change under paragraph (6), does not agree to make a requested labeling change, the Commis-

sioner may deem the drug to be misbranded under the Federal Food, Drug, and Cosmetic Act.

“(8) RECOMMENDATION FOR FORMULATION CHANGES.—If a pediatric study completed under public contract indicates that a formulation change is necessary and the Secretary agrees, the Secretary shall send a nonbinding letter of recommendation regarding that change to each holder of an approved application.

“(d) CONFIDENTIAL COMMERCIAL INFORMATION; TRADE SECRETS.—Nothing in this section requires or authorizes the use or disclosure of confidential commercial information or trade secrets.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated \$200,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2007.

“(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available to carry out this section until expended.”.

SEC. 4. WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS THAT HAVE MARKET EXCLUSIVITY.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subsection (c) (as redesignated by section 2(a)(2) of this Act) by adding at the end the following:

“(4) WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS THAT HAVE MARKET EXCLUSIVITY.—

“(A) REQUEST AND RESPONSE.—If the Secretary makes a written request for pediatric studies under subsection (b) to the holder of an application approved under section 505(b)(1), the holder, not later than 180 days after receiving the written request, shall respond to the Secretary as to the intention of the holder to act on the request by—

“(i) indicating when the pediatric studies will be initiated, if the holder agrees to the request; or

“(ii) indicating that the holder does not agree to the request.

“(B) NO AGREEMENT TO REQUEST.—

“(i) REFERRAL.—If the holder does not agree to a written request within the time period specified in subparagraph (A), and if the Secretary determines that there is a continuing need for information relating to the use of the drug in the pediatric population (including neonates as appropriate), the Secretary shall refer the drug to the Foundation for Pediatric Research established under section 499A of the Public Health Service Act (referred to in this paragraph as the ‘Foundation’) for consideration for the conduct of the pediatric studies described in the written request.

“(ii) PUBLIC NOTICE.—The Secretary shall give public notice of a referral under clause (i), including notice of the name of the drug, the name of the manufacturer, and the indication to be studied.

“(C) LACK OF FUNDS.—If, on referral of a drug under subparagraph (B)(i), the Foundation certifies to the Secretary that the Foundation does not have funds available to conduct the requested studies, the Secretary shall refer the drug for inclusion on the list established under section 409I of the Public Health Service Act for the conduct of the studies.

“(D) CONFIDENTIAL COMMERCIAL INFORMATION; TRADE SECRETS.—Nothing in this paragraph requires or authorizes the use or disclosure of confidential commercial information or trade secrets.

“(E) NO REQUIREMENT TO REFER.—Nothing in this subsection shall be construed to require that every declined written request shall be referred to the Foundation.”.

SEC. 5. TIMELY LABELING CHANGES FOR DRUGS GRANTED EXCLUSIVITY; DRUG FEES.

(a) ELIMINATION OF USER FEE WAIVER FOR PEDIATRIC SUPPLEMENTS.—Section 736(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(a)(1)) is amended—

(1) by striking subparagraph (F); and

(2) by redesignating subparagraph (G) as subparagraph (F).

(b) LABELING CHANGES.—

(1) DEFINITION OF PRIORITY SUPPLEMENT.—Section 201 of the Federal Food Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

“(kk) PRIORITY SUPPLEMENT.—The term ‘priority supplement’ means a drug application referred to in section 101(4) of the Food and Drug Administration Modernization Act of 1997 (111 Stat. 2298).”.

(2) TREATMENT AS PRIORITY SUPPLEMENTS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a), as amended by section 2(a)(2) of this Act, is amended by adding at the end the following:

“(k) LABELING SUPPLEMENTS.—

“(1) PRIORITY STATUS FOR PEDIATRIC SUPPLEMENTS.—Any supplement to an application under section 505 proposing a labeling change pursuant to a report on a pediatric study under this section—

“(A) shall be considered to be a priority supplement; and

“(B) shall be subject to the performance goals established by the Commissioner for priority drugs.

“(2) DISPUTE RESOLUTION.—If the Commissioner determines that an application with respect to which a pediatric study is conducted under this section is approvable and that the only open issue for final action on the application is the reaching of an agreement between the sponsor of the application and the Commissioner on appropriate changes to the labeling for the drug that is the subject of the application—

“(A) not later than 180 days after the date of submission of the application—

“(i) the Commissioner shall request that the sponsor of the application make any labeling change that the Commissioner determines to be appropriate; and

“(ii) if the sponsor of the application does not agree to make a labeling change requested by the Commissioner by that date, the Commissioner shall immediately refer the matter to the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee;

“(B) not later than 90 days after receiving the referral, the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee shall—

“(i) review the pediatric study reports; and

“(ii) make a recommendation to the Commissioner concerning appropriate labeling changes, if any;

“(C) the Commissioner shall consider the recommendations of the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee and, if appropriate, not later than 30 days after receiving the recommendation, make a request to the sponsor of the application to make any labeling change that the Commissioner determines to be appropriate; and

“(D) if the sponsor of the application, within 30 days after receiving a request under subparagraph (C), does not agree to make a labeling change requested by the Commissioner, the Commissioner may deem the drug that is the subject of the application to be misbranded.”.

SEC. 6. OFFICE OF PEDIATRIC THERAPEUTICS.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an Office of Pediatric Therapeutics within the Office of the Commissioner of Food and Drugs.

(b) DUTIES.—The Office of Pediatric Therapeutics shall be responsible for oversight and coordination of all activities of the Food and Drug Administration that may have any effect on a pediatric population or the practice of pediatrics or may in any other way involve pediatric issues.

(c) STAFF.—The staff of the Office of Pediatric Therapeutics shall include—

(1) employees of the Department of Health and Human Services who, as of the date of enactment of this Act, exercise responsibilities relating to pediatric therapeutics;

(2) 1 or more additional individuals with expertise concerning ethical issues presented by the conduct of clinical research in the pediatric population; and

(3) 1 or more additional individuals with expertise in pediatrics who shall consult and collaborate with all components of the Food and Drug Administration concerning activities described in subsection (b).

SEC. 7. NEONATES.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended in subsection (f) (as redesignated by section 2(a)(2) of this Act) by inserting “(including neonates in appropriate cases)” after “pediatric age groups”.

SEC. 8. SUNSET.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended by striking subsection (i) (as redesignated by section 2(a)(2) of this Act) and inserting the following:

“(i) **SUNSET.**—A drug may not receive any 6-month period under subsection (a) or (b) unless—

“(1) on or before October 1, 2007, the Secretary makes a written request for pediatric studies of the drug;

“(2) on or before October 1, 2007, an approvable application for the drug is submitted under section 505(b)(1); and

“(3) all requirements of this section are met.”.

SEC. 9. DISSEMINATION OF PEDIATRIC INFORMATION.

Section 505A of the Federal Food, Drug, and Cosmetic Act, as amended by section 5(b)(2) of this Act, is amended by adding at the end the following:

“(l) **DISSEMINATION OF PEDIATRIC INFORMATION.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of submission of a report on a pediatric study under this section, the Commissioner shall make available to the public a summary of the medical and clinical pharmacology reviews of pediatric studies conducted for the supplement, including by publication in the Federal Register.

“(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection alters or amends in any way section 552 of title 5 or section 1905 of title 18, United States Code.”.

SEC. 10. CLARIFICATION OF INTERACTION OF MARKET EXCLUSIVITY UNDER SECTION 505A OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND MARKET EXCLUSIVITY AWARDED TO AN APPLICANT FOR APPROVAL OF A DRUG UNDER SECTION 505(j) OF THAT ACT.

Section 505A of the Federal Food, Drug, and Cosmetic Act, as amended by section 9 of this Act, is amended by adding at the end the following:

“(m) **CLARIFICATION OF INTERACTION OF MARKET EXCLUSIVITY UNDER THIS SECTION AND MARKET EXCLUSIVITY AWARDED TO AN APPLICANT FOR APPROVAL OF A DRUG UNDER SECTION 505(j).**—

“(1) **IN GENERAL.**—If a 180-day period under section 505(j)(5)(B)(iv) overlaps with a 6-month extension under this section, so that the applicant for approval of a drug under section 505(j) entitled to the 180-day period under that section loses a portion of the 180-day period to which the applicant is entitled for the drug, the 180-day period shall be extended—

“(A) if the 180-day period would, but for this subsection, expire after the 6-month extension, by the number of days of the overlap; or

“(B) if the 180-day period would, but for this subsection, expire during the 6-month extension, by 6 months.

“(2) **EFFECT OF SUBSECTION.**—Under no circumstances shall application of this section result in an applicant for approval of a drug under section 505(j) being enabled to commercially market the drug to the exclusion of a sub-

sequent applicant for approval of a drug under section 505(j) for more than 180 days.”.

SEC. 11. PROMPT APPROVAL OF GENERIC DRUGS WHEN PEDIATRIC INFORMATION ADDED TO LABELING.

(a) **IN GENERAL.**—Section 505A of the Federal Food, Drug, and Cosmetic Act, as amended by section 10 of this Act, is amended by adding at the end the following subsection:

“(n) **PROMPT APPROVAL OF GENERIC DRUGS WHEN PEDIATRIC INFORMATION ADDED TO LABELING.**—

“(1) **IN GENERAL.**—A drug for which an application has been submitted or approved under section 505(j) and which otherwise meets all other applicable requirements under that section shall be considered eligible for approval and shall not be considered misbranded under section 502 even when its labeling omits a pediatric indication or other aspect of labeling pertaining to pediatric use that is protected by patent or by market exclusivity pursuant to clause (iii) or (iv) of section 505(j)(5)(D).

“(2) **LABELING OF GENERIC DRUG.**—Notwithstanding the provisions of clause (iii) or (iv) of section 505(j)(5)(D), the Secretary may require that the labeling of a drug approved under section 505(j) that omits pediatric labeling pursuant to paragraph (1) include—

“(A) a statement that the drug is not labeled for the protected pediatric use; and

“(B) any warnings against unsafe pediatric use that the Secretary considers necessary.

“(3) **RULE OF CONSTRUCTION.**—Paragraphs 1 and 2 of this subsection do not affect—

“(A) the availability or scope of exclusivity under this section;

“(B) the availability or scope of exclusivity under section 505 for pediatric formulations; or

“(C) except as expressly provided in paragraph (1) and (2), the operation of section 505.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) take effect on the date of the enactment of this Act, including with respect to applications under section 505(j) of the Federal Food, Drug, and Cosmetic Act that are approved or pending on that date.

SEC. 12. ADVERSE-EVENT REPORTING.

(a) **TOLL-FREE NUMBER IN LABELING.**—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate a final rule requiring that the labeling of each drug for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (regardless of the date on which approved) include the toll-free number maintained by the Secretary for the purpose of receiving reports of adverse events regarding drugs. With respect to the final rule:

(1) The rule shall provide for the implementation of such labeling requirement in a manner that the Secretary considers to be most likely to reach the broadest consumer audience.

(2) In promulgating the rule, the Secretary shall seek to minimize the cost of the rule on the pharmacy profession.

(3) The rule shall take effect not later than 60 days after the date on which the rule is promulgated.

(b) **DRUGS WITH PEDIATRIC MARKET EXCLUSIVITY.**—

(1) **IN GENERAL.**—During the one-year beginning on the date on which a drug receives a period of market exclusivity under 505A of the Federal Food, Drug, and Cosmetic Act, any report of an adverse event regarding the drug that the Secretary of Health and Human Services receives shall be referred to the Office of Pediatric Therapeutics established under section 6 of this Act. In considering the report, the Director of such Office shall provide for the review of the report by the Pediatric Advisory Subcommittee of the Anti-Infective Drugs Advisory Committee, including obtaining any recommendations of such Subcommittee regarding whether the Secretary should take action under the Federal

Food, Drug, and Cosmetic Act in response to the report.

(2) **RULE OF CONSTRUCTION.**—Paragraph (1) may not be construed as restricting the authority of the Secretary of Health and Human Services to continue carrying out the activities described in such paragraph regarding a drug after the one-year period described in such paragraph regarding the drug has expired.

SEC. 13. FOUNDATION FOR PEDIATRIC RESEARCH.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following part:

“PART J—FOUNDATION FOR PEDIATRIC RESEARCH

“SEC. 499A. ESTABLISHMENT AND DUTIES OF FOUNDATION.

“(a) **IN GENERAL.**—The Secretary, acting through the Director of NIH and in consultation with the Commissioner of Food and Drugs, shall establish a nonprofit corporation to be known as the Foundation for Pediatric Research (hereafter in this section referred to as the ‘Foundation’). The Foundation shall not be an agency or instrumentality of the United States Government.

“(b) **PURPOSE OF FOUNDATION.**—The purpose of the Foundation shall be to collect funds and award grants for research on drugs listed by the Secretary pursuant to section 409I(a)(1)(A).

“(c) **CERTAIN ACTIVITIES OF FOUNDATION.**—

“(1) **IN GENERAL.**—In carrying out subsection (b), the Foundation may solicit and accept gifts, grants, and other donations, establish accounts, and invest and expend funds in support of a program to encourage donations for the conduct of studies of drugs referred to in subsection (b).

“(2) **FEES.**—The Foundation may assess fees for the provision of professional, administrative and management services by the Foundation in amounts determined reasonable and appropriate by the Executive Director.

“(3) **AUTHORITY OF FOUNDATION.**—The Foundation shall be the sole entity responsible for carrying out the activities described in this subsection.

“(d) **BOARD OF DIRECTORS.**—

“(1) **COMPOSITION.**—

“(A) The Foundation shall have a Board of Directors (hereafter referred to in this section as the ‘Board’), which shall be composed of ex officio and appointed members in accordance with this subsection. Appointed members of the Board shall be the voting members.

“(B) The ex officio members of the Board shall be—

“(i) the Chairman and ranking minority member of the Subcommittee on Health (Committee on Energy and Commerce) or their designees, in the case of the House of Representatives;

“(ii) the Chairman and ranking minority member of the Committee on Health, Education, Labor and Pensions or their designees, in the case of the Senate;

“(iii) the Director of NIH; and

“(iv) the Commissioner of Food and Drugs.

“(C) The ex officio members of the Board under subparagraph (B) shall appoint to the Board 11 individuals from among a list of candidates to be provided by the National Academy of Science. Of such appointed members—

“(i) 5 shall be representative of the experts in pediatric medicine and research field;

“(ii) 1 shall be a biomedical ethicist; and

“(iii) 5 shall be representatives of the general public, which may include representatives of affected industries.

“(D)(i) Not later than 30 days after the date of the enactment of the Best Pharmaceuticals for Children Act, the Director of NIH shall convene a meeting of the ex officio members of the Board to—

“(I) incorporate the Foundation and establish the general policies of the Foundation for carrying out the purposes of subsection (b), including the establishment of the bylaws of the Foundation; and

“(II) appoint the members of the Board in accordance with subparagraph (C).

“(ii) Upon the appointment of the members of the Board under clause (i)(II), the terms of service of the ex officio members of the Board as members of the Board shall terminate.

“(E) The agreement of not less than three-fifths of the members of the ex officio members of the Board shall be required for the appointment of each member to the initial Board.

“(F) No employee of the National Institutes of Health shall be appointed as a member of the Board.

“(2) CHAIR.—

“(A) The ex officio members of the Board under paragraph (1)(B) shall designate an individual to serve as the initial Chair of the Board.

“(B) Upon the termination of the term of service of the initial Chair of the Board, the appointed members of the Board shall elect a member of the Board to serve as the Chair of the Board.

“(3) TERMS AND VACANCIES.—

“(A) The term of office of each member of the Board appointed under paragraph (1)(C) shall be 5 years, except that the terms of offices for the initial appointed members of the Board shall expire as determined by the ex officio members and the Chair.

“(B) Any vacancy in the membership of the Board shall be filled in the manner in which the original position was made and shall not affect the power of the remaining members to execute the duties of the Board.

“(C) If a member of the Board does not serve the full term applicable under subparagraph (A), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

“(D) A member of the Board may continue to serve after the expiration of the term of the member until a successor is appointed.

“(4) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. Such members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board, as set forth in the bylaws issued by the Board.

“(5) MEETINGS AND QUORUM.—A majority of the members of the Board shall constitute a quorum for purposes of conducting the business of the Board.

“(6) CERTAIN BYLAWS.—

“(A) In establishing bylaws under this subsection, the Board shall ensure that the following are provided for:

“(i) Policies for the selection of the officers, employees, and agents of the Foundation.

“(ii) Policies, including ethical standards, for the acceptance, solicitation, and disposition of donations and grants to the Foundation and for the disposition of the assets of the Foundation. Policies with respect to ethical standards shall ensure that officers, employees and agents of the Foundation (including members of the Board) avoid encumbrances that would result in a conflict of interest, including a financial conflict of interest or a divided allegiance. Such policies shall include requirements for the provision of information concerning any ownership or controlling interest in entities related to the activities of the Foundation by such officers, employees and agents and their spouses and relatives.

“(iii) Policies for the conduct of the general operations of the Foundation.

“(B) In establishing bylaws under this subsection, the Board shall ensure that such bylaws (and activities carried out under the bylaws) do not—

“(i) reflect unfavorably upon the ability of the Foundation to carry out its responsibilities or official duties in a fair and objective manner; or

“(ii) compromise, or appear to compromise, the integrity of any governmental agency or program, or any officer or employee involved in such program.

“(e) INCORPORATION.—The initial members of the Board shall serve as incorporators and shall take whatever actions necessary to incorporate the Foundation.

“(f) NONPROFIT STATUS.—The Foundation shall be considered to be a corporation under section 501(c) of the Internal Revenue Code of 1986, and shall be subject to the provisions of such section.

“(g) EXECUTIVE DIRECTOR.—

“(1) IN GENERAL.—The Foundation shall have an Executive Director who shall be appointed by the Board and shall serve at the pleasure of the Board. The Executive Director shall be responsible for the day-to-day operations of the Foundation and shall have such specific duties and responsibilities as the Board shall prescribe.

“(2) COMPENSATION.—The rate of compensation of the Executive Director shall be fixed by the Board.

“(h) POWERS.—In carrying out subsection (b), the Foundation shall operate under the direction of its Board, and may—

“(1) adopt, alter, and use a corporate seal, which shall be judicially noticed;

“(2) provide for 1 or more officers, employees, and agents, as may be necessary, define their duties, and require surety bonds or make other provisions against losses occasioned by acts of such persons;

“(3) hire, promote, compensate, and discharge officers and employees of the Foundation, and define the duties of the officers and employees;

“(4) with the consent of any executive department or independent agency, use the information, services, staff, and facilities of such in carrying out this section;

“(5) sue and be sued in its corporate name, and complain and defend in courts of competent jurisdiction;

“(6) modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this part;

“(7) establish a process for the selection of candidates for positions under subsection (c);

“(8) solicit, accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

“(9) enter into such other contracts, leases, cooperative agreements, and other transactions as the Executive Director considers appropriate to conduct the activities of the Foundation; and

“(10) exercise other powers as set forth in this section, and such other incidental powers as are necessary to carry out its powers, duties, and functions in accordance with this part.

“(i) ADMINISTRATIVE CONTROL.—No participant in the program established under this part shall exercise any administrative control over any Federal employee, nor shall the Foundation attempt to influence an executive branch agency or employee.

“(j) GENERAL PROVISIONS.—

“(1) FOUNDATION INTEGRITY.—The members of the Board shall be accountable for the integrity of the operations of the Foundation and shall ensure such integrity through the development and enforcement of criteria and procedures relating to standards of conduct (including those developed under subsection (d)(6)(A)(ii), financial disclosure statements, conflict of interest rules, recusal and waiver rules, audits and other matter determined appropriate by the Board.

“(2) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board of the Foundation may not (in accordance with policies and requirements developed under subsection (d)(6)(A)(ii) personally or substantially participate in the consideration or determination by the Foundation of any matter that would directly or predictably affect any financial interest of the individual or a relative (as such term is defined in section 109(16) of the Ethics in Government Act of 1978) of the individual, of any business organization or other entity, or of which the individual is an officer or employee, or is negotiating for employment, or in which the individual has any other financial interest.

“(3) AUDITS; AVAILABILITY OF RECORDS.—The Foundation shall—

“(A) provide for annual audits of the financial condition of the Foundation; and

“(B) make such audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

“(4) REPORTS.—

“(A) Not later than 5 months following the end of each fiscal year, the Foundation shall publish a report describing the activities of the Foundation during the preceding fiscal year. Each such report shall include for the fiscal year involved a comprehensive statement of the operations, activities, financial condition, and accomplishments of the Foundation.

“(B) With respect to the financial condition of the Foundation, each report under subparagraph (A) shall include the source, and a description of, all gifts or grants to the Foundation of real or personal property, and the source and amount of all gifts or grants to the Foundation of money. Each such report shall include a specification of any restrictions on the purposes for which gifts or grants to the Foundation may be used.

“(C) The Foundation shall make copies of each report submitted under subparagraph (A) available for public inspection, and shall upon request provide a copy of the report to any individual for a charge not exceeding the cost of providing the copy.

“(D) The Board shall annually hold a public meeting to summarize the activities of the Foundation and distribute written reports concerning such activities and the scientific results derived from such activities.

“(5) SERVICE OF FEDERAL EMPLOYEES.—Federal employees may serve on committees advisory to the Foundation and otherwise cooperate with and assist the Foundation in carrying out its function, so long as the employees do not direct or control Foundation activities.

“(6) RELATIONSHIP WITH EXISTING ENTITIES.—The Foundation may, pursuant to appropriate agreements, acquire the resources of existing nonprofit private corporations with missions similar to the purposes of the Foundation.

“(7) INTELLECTUAL PROPERTY RIGHTS.—The Board may adopt written standards with respect to the ownership of any intellectual property rights derived from the collaborative efforts of the Foundation prior to the commencement of such efforts.

“(8) NATIONAL INSTITUTES OF HEALTH AMENDMENTS OF 1990.—The activities conducted in support of the National Institutes of Health Amendments of 1990 (Public Law 101-613), and the amendments made by such Act, shall not be nullified by the enactment of this section.

“(9) LIMITATION OF ACTIVITIES.—The Foundation shall exist solely as an entity to collect funds and award grants for research on drugs listed by the Secretary pursuant to section 4091(a)(1)(A).

“(10) TRANSFER OF FUNDS.—The Foundation may transfer funds to the National Institutes of Health. Any funds transferred under this paragraph shall be subject to all Federal limitations relating to federally-funded research.

“(k) DUTIES OF THE DIRECTOR.—

“(1) APPLICABILITY OF CERTAIN STANDARDS TO NON-FEDERAL EMPLOYEES.—In the case of any individual who is not an employee of the Federal Government and who serves in association with the National Institutes of Health, with respect to financial assistance received from the Foundation, the Foundation may not provide the assistance of, or otherwise permit the work at the National Institutes of Health to begin until a memorandum of understanding between the individual and the Director of NIH, or the designee of such Director, has been executed specifying that the individual shall be subject to

such ethical and procedural standards of conduct relating to duties performed at the National Institutes of Health, as the Director of NIH determines is appropriate.

“(2) **SUPPORT SERVICES.**—The Director of NIH shall provide facilities, utilities and support services to the Foundation.

“(1) **REPORTS OF STUDIES; LABELING CHANGES.**—

“(1) **IN GENERAL.**—Upon completion of a pediatric study conducted pursuant to this section, a report concerning the study shall be submitted to the Director of National Institutes of Health and the Commissioner of Food and Drugs. The report shall include all data generated in connection with the study.

“(2) **AVAILABILITY OF REPORTS; ACTION BY FOOD AND DRUG ADMINISTRATION; LABELING CHANGES.**—With respect to a report submitted under paragraph (1), the provisions of paragraphs (3)(B) through (8) of section 409I(c) apply to such report to the same extent and in the same manner as such provision apply to a report submitted under section 409I(c)(3)(A).

“(m) **FUNDING.**—

“(1) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each subsequent fiscal year.

“(2) **LIMITATION REGARDING OTHER FUNDS.**—Amounts appropriated under any provision of law other than paragraph (1) may not be expended to establish or operate the Foundation.”.

SEC. 14. STUDY CONCERNING RESEARCH INVOLVING CHILDREN.

(a) **CONTRACT WITH INSTITUTE OF MEDICINE.**—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for—

(1) the conduct, in accordance with subsection (b), of a review of—

(A) Federal regulations in effect on the date of the enactment of this Act relating to research involving children;

(B) federally-prepared or supported reports relating to research involving children; and

(C) federally-supported evidence-based research involving children; and

(2) the submission to the appropriate committees of Congress, by not later than 2 years after the date of enactment of this Act, of a report concerning the review conducted under paragraph (1) that includes recommendations on best practices relating to research involving children.

(b) **AREAS OF REVIEW.**—In conducting the review under subsection (a)(1), the Institute of Medicine shall consider the following:

(1) The written and oral process of obtaining and defining “assent”, “permission” and “informed consent” with respect to child clinical research participants and the parents, guardians, and the individuals who may serve as the legally authorized representatives of such children (as defined in subpart A of part 46 of title 45, Code of Federal Regulations).

(2) The expectations and comprehension of child research participants and the parents, guardians, or legally authorized representatives of such children, for the direct benefits and risks of the child’s research involvement, particularly in terms of research versus therapeutic treatment.

(3) The definition of “minimal risk” with respect to a healthy child or a child with an illness.

(4) The appropriateness of the regulations applicable to children of differing ages and maturity levels, including regulations relating to legal status.

(5) Whether payment (financial or otherwise) may be provided to a child or his or her parent, guardian, or legally authorized representative for the participation of the child in research, and if so, the amount and type of payment that may be made.

(6) Compliance with the regulations referred to in subsection (a)(1)(A), the monitoring of

such compliance (including the role of institutional review boards), and the enforcement actions taken for violations of such regulations.

(7) The unique roles and responsibilities of institutional review boards in reviewing research involving children, including composition of membership on institutional review boards.

(c) **REQUIREMENTS OF EXPERTISE.**—The Institute of Medicine shall conduct the review under subsection (a)(1) and make recommendations under subsection (a)(2) in conjunction with experts in pediatric medicine, pediatric research, and the ethical conduct of research involving children.

SEC. 15. STUDY ON EFFECTS OF THIS ACT.

Not later than October 1, 2006, the Comptroller General of the United States shall submit to the Congress and the Secretary of Health and Human Services a report that describes the following:

(1) The effectiveness of the amendments made by this Act in ensuring that all drugs used by children are tested and properly labeled, including—

(A) the number and importance for children of drugs that are being tested as a result of such amendments, and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

(B) the number and importance for children of drugs that are not being tested for their use notwithstanding the amendments, and possible reason for this; and

(C) the number of drugs for which pediatric testing has been done, for which a period of market exclusivity has been granted, and for which labeling changes required the use of the dispute resolution process established pursuant to the amendments, together with a description of the outcomes of such process, including a description of the disputes and the recommendations of the advisory committee.

(2) The economic impact of the amendments made by this Act, including an estimate of—

(A) costs to taxpayers in the form of higher expenditures by Medicaid and other government programs;

(B) costs to consumers as a result of any delay in the availability of lower cost generic equivalents of drugs tested and granted exclusivity pursuant to such amendments, and loss of revenue by the generic drug industry and any other affected industry as a result of any such delay; and

(C) benefits to the government, to private insurers, and to consumers resulting from decreased health care costs, including—

(i) decreased hospitalizations, due to more appropriate and more effective use of medications in children as a result of testing and re-labeling because of such amendments;

(ii) direct and indirect benefits associated with fewer physician visits not related to hospitalization;

(iii) benefits to children from missing less time at school and being less affected by chronic illnesses, thereby allowing a better quality of life;

(iv) benefits to consumers from lower health insurance premiums due to lower treatment costs and hospitalization rates; and

(v) benefits to employers from reduced need for employees to care for family members.

(3) The nature and types of studies in children of drugs granted a period of market exclusivity pursuant to the amendments made by this Act, including a description of the complexity of such studies, the number of study sites necessary to obtain appropriate data, and the numbers of children involved in any clinical studies, and the cost of such studies for each type of study identified.

(4) The increased pediatric research capability, both private and government-funded, associated with the amendments made by this Act.

SEC. 16. MINORITY CHILDREN AND PEDIATRIC EXCLUSIVITY PROGRAM.

(a) **PROTOCOLS FOR PEDIATRIC STUDIES.**—Section 505A of the Federal Food, Drug, and Cos-

metic Act (21 U.S.C. 355a) is amended in subsection (c)(2) (as redesignated by section 2(a)(2) of this Act) by inserting after the first sentence the following: “In reaching an agreement regarding written protocols, the Secretary shall take into account adequate representation of children of ethnic and racial minorities.”.

(b) **STUDY BY GENERAL ACCOUNTING OFFICE.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study for the purpose of determining the following:

(A) The extent to which children of ethnic and racial minorities are adequately represented in studies under section 505A of the Federal Food, Drug, and Cosmetic Act; and to the extent ethnic and racial minorities are not adequately represented, the reasons for such under representation and recommendations to increase such representation.

(B) Whether the Food and Drug Administration has appropriate management systems to monitor the representation of the children of ethnic and racial minorities in such studies.

(C) Whether drugs used to address diseases that disproportionately affect racial and ethnic minorities are being studied for their safety and effectiveness under section 505A of the Federal Food, Drug, and Cosmetic Act.

(2) **DATE CERTAIN FOR COMPLETING STUDY.**—Not later than January 10, 2003, the Comptroller General shall complete the study required in paragraph (1) and submit to the Congress a report describing the findings of the study.

SEC. 17. TECHNICAL AND CONFORMING AMENDMENTS.

Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1)(A) by striking “(j)(4)(D)(ii)” each place such term appears and inserting “(j)(5)(D)(ii)”;

and

(B) by striking “(j)(4)(D)” each place such term appears and inserting “(j)(5)(D)”;

(2)(A) in subsection (c) (as redesignated by section 2(a)(2) of this Act), in each of paragraphs (1) through (3), by striking “subsection (a) or (c)” and inserting “subsection (a) or (b)”;

and

(B) in subsection (d) (as so redesignated), in the last sentence, by striking “subsection (a) or (c)” and inserting “subsection (a) or (b)”.

The **SPEAKER pro tempore** (Mr. OTTER). Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 2887, the bill under consideration.

The **SPEAKER pro tempore**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the Greenwood-Eshoo Best Pharmaceuticals for Children Act, and I urge swift passage of this bipartisan bill.

For years, drugs used in children were not tested for children. To address this situation, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from California (Mr. WAXMAN) worked together in 1997 to provide manufacturers with an incentive to

test these drugs in children. The incentive adopted then was an additional 6 months of exclusivity to be added to existing exclusivity or patent protection for testing drugs at the request of the FDA.

No one denies that this incentive has worked. According to the FDA, the pediatric exclusivity provision has done more to generate clinical studies and useful prescribing information for the pediatric population of our country than any regulatory or legislative process to date. Put another way, this bill, this act, has done more to test drugs for children in America than any other legislative initiative in the history of this Congress.

According to the American Academy of Pediatrics, the incentive has advanced therapeutics for infants, children, and adolescents in ways that were not possible in the several decades prior to the passage of the law.

Every children's group in America supports this reauthorization. Without this reauthorization, the law expires. Every children's group is urging us to adopt this bill and to reauthorize this good law. That is why the Committee on Energy and Commerce reported the bill by a strong 41 to six bipartisan vote.

In fact, at the Committee on Energy and Commerce we have the support of Members, such as the gentleman from Michigan (Mr. STUPAK), the gentleman from Texas (Mr. GREEN), the gentleman from Colorado (Ms. DEGETTE), the gentleman from Maryland (Mr. WYNN), the gentleman from New York (Mr. ENGEL), the gentleman from Illinois (Mr. RUSH); and the list goes on.

While some may object to this bill today, this is a matter that was so bipartisan that it has already passed the Senate with unanimous consent.

A handful of Members oppose this reauthorization by saying that pediatric exclusivity has provided a windfall to the industry that has increased costs to consumers. Here are the facts: while some companies have benefited financially for testing their drugs in children, the GAO notes that while there has been some concern that exclusivity may be sought and granted primarily for drugs that generate substantial revenue, most of the drugs studied are not the top sellers.

In fact, 20 of the 37 drugs which have been granted exclusivity for performing these tests in children, at the request of the FDA, 20 of the 37 drugs fall outside the top 200 in terms of drug sale revenue. Further, the FDA estimates that the cost of this provision adds about one-half of one percent to the Nation's pharmaceutical bill; but according to Tufts University, it saves us \$7 billion in medical costs because we now know what levels to prescribe drugs for children and what children can take what drugs and which children cannot, depending on the weight and age and many other factors.

Another argument against the bill is that it costs too much. Frankly, I, too,

was surprised by the CBO score on this bill. While the CBO estimates that the bill will result in direct savings and revenue increases over the next 5 years, they also estimate that it will result in increased discretionary spending over this period.

The flaw in the CBO score is that they assume that the new public fund for the study of generic drugs will study 165 drugs over the next 5 years. That is simply unrealistic. The American Academy of Pediatrics has told our committee that only 30 to 50 generic drugs will need to be studied under this program, not the 165 that was identified by the CBO; and assuming that the experts in pediatric medicine are correct, rather than CBO, this reduces the score by more than \$400 million.

The American Academy of Pediatrics, the Coalition for Children's Health, the National Association of Children's Hospitals, and the Elizabeth Glaser Pediatric AIDS Foundation are all telling us to please pass the Greenwood-Eshoo legislation now. If the program is not reauthorized this year, it expires. So I urge my colleagues, please pass this legislation.

I commend the gentlewoman from California (Ms. ESHOO) for her diligent work on this and the gentleman from Pennsylvania (Mr. GREENWOOD) for their leadership in getting this legislation to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know of no Member of Congress who opposes testing drugs for use in children. I know of no Member of Congress who believes it is okay that drug safety and efficacy and dosage information is available for adults but not for children.

The question is, how much must Americans pay the drug industry to secure this kind of testing? By keeping lower-priced generics off the market, the 6-month exclusivity provisions cost the Federal Government, employer-sponsored health plans, seniors, all of us, literally billions, billions of dollars in inflated drug prices.

The Federal Government instead could pay the companies two, three, four, even five times the cost of doing these tests. It would still cost less than 6 months of exclusivity, but that would be direct government spending and we cannot have that.

The drug industry and my friends in the majority have made it very clear, if the Nation wants prescription drugs to be tested for use in children, we have to help the drug industry choke off its competition. The most profitable industry in the world has convinced us it deserves another multi-billion dollar windfall for conducting \$4 million tests.

I thought committee deliberations on this legislation might produce some legitimate argument, but no such luck.

The line of reasoning behind this bill goes something like this: 6-month exclusivity works, they tell us. So would handing the drug industry a blank check and asking them to rob us blind. Does that make it a good idea?

Typically policy-makers weigh both the benefits and the costs when formulating public policy. Why are we only weighing the benefits here?

They tell us pediatric exclusivity is the most successful program in our history when it comes to increasing the number of pediatric tests. It is also the only program attempted that offers any economic incentive for pediatric testing. Attempts in the past relied on subtle persuasion, not any kind of economic incentives.

Third, they tell us the carrot works better than the stick. Yes, but how big does the carrot need to be? Do drug companies need to earn a 600 percent to 1,500 percent return on their investment or they will refuse to make sure that their drugs are safe for kids?

They assert that pediatric exclusivity uses marketplace incentives, it is a free market solution. Pediatric exclusivity is not a free market solution. It does not use marketplace incentives. In free markets, competition and demand drive behavior. Monopolies, as this extends, are anathema to free markets.

They tell us that FDA says pediatric exclusivity represents about only a half of 1 percent of the Nation's pharmaceutical bill. If the added costs of pediatric exclusivity were spread evenly over all drug purchases, then the impact would be minimal.

The lost savings, however, are not spread over every purchase. They are imposed only on the consumers who use Prilosec or Vasotec or one of the drugs eligible for exclusivity.

So a constituent calls one of us and says the price of a prescription suddenly doubled, I would make her feel better by saying that increase represents only one half of 1 percent of all prescription drug prices? I do not think so.

They tell us when we factor in lower children's health care costs, pediatric exclusivity actually saves money. I wonder if the authors of this research actually factored in the higher health care costs that accrue when seniors, who cannot afford the inflated drug prices associated with 6-month exclusivity, when they remain ill, or when children who may remain ill, whose parents cannot afford inflated drug prices.

Why do I oppose this legislation? It is costing my constituents too much. It is costing employer-sponsored health care plans too much. It costs the State and Federal Government too much.

Generic competition, remember, typically cuts a drug's price in half initially; and over time, the price difference grows so that consumers are paying 80 percent, even 90 percent, less for a generic drug that this bill wants to keep off the market. For drugs like

Prilosec, Prozac, and Zocor, exclusivity adds \$70 to each prescription, and the manufacturer of these drugs will take home an additional, as committee testimony proved, an additional \$500 million to \$1.6 billion for drug tests that cost about \$4 million each. That is why many of us on this side are opposed to this legislation.

I am opposed to considering this bill as a suspension, not only because this Congress should have the opportunity to consider alternatives, but because the gentleman from Michigan (Mr. STUPAK) should have the opportunity to amend the labeling provisions in this bill. Drug companies are rewarded with more market exclusivity before the labels on the drugs are changed to reflect the pediatric information.

Consumers are paying a huge bill, for which they receive a vague promise that labels will change eventually to reflect new information. That makes no sense.

For the sake of children, for seniors, for every consumer, the gentleman from Michigan (Mr. STUPAK) wants to improve this bill. We should revisit this bill.

I urge a "no" vote with the best interests of children, their families, consumers, taxpayers, all of us. That means voting no.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from California (Ms. ESHOO), the co-sponsor of this important legislation.

Ms. ESHOO. Mr. Speaker, I thank the distinguished chairman of our committee for his leadership on this, and I am proud to be the Democratic sponsor with the gentleman from Pennsylvania (Mr. GREENWOOD) of the Best Pharmaceuticals for Children Act.

This legislation extends the pediatric exclusivity provision, which is one of the most successful programs created by Congress to inspire medical therapeutic advances for children. Prior to its enactment, 80 percent of all medications had never been tested for use by children, even though most were widely used by pediatricians to treat them. Many of these drugs carry disclaimers stating that they were not approved for children, and pediatricians were literally cutting pills in half and thirds and in quarters, guessing, and essentially experimenting on children as they used anecdotal information or guesswork to use the medications for them. Obviously, this was not acceptable for our Nation's children.

In 1997, the Congress passed a pediatric exclusivity provision as part of the FDA Modernization Act, which I sponsored with the gentleman from Texas (Mr. BARTON) at the time. This provision has made a dramatic change in the way pediatricians are practicing and administering medicine to children.

Now they have the necessary dosage guidance on drug labels to administer

drugs safely to children, but there are many more drugs that can and should be used in the pediatric population. This bill ensures that those drugs will also be studied and that information on safe use will be provided to pediatricians.

Because previous attempts for drug studies for children had actually failed, this provision was given a 4-year life span. It expires in January of 2002. That is why we are here today.

The incentive that was granted to drug companies to study drugs for children was to give them 6 months of additional market exclusivity. Some of my colleagues on my side of the aisle do not think that that is right. Actually, the proof is in the pudding because it has worked.

Since the law has been in place, the FDA has received close to 250 proposed pediatric study requests from pharmaceutical companies and has issued nearly 200 requests to conduct over 400 pediatric studies. If this were a business, we would have to say it was good because this never happened before. Yes, there is a carrot that has been taken a bite out of. I think that some of my colleagues do not think that this is good enough.

By comparison, in the 7 years prior to enactment of this provision, only 11 studies were completed. The FDA has granted market exclusivity extensions for 33 products; 20 of them include new labeling information for pediatrics and parents. So I think that better informed decisions are being made and children are being taken better care of.

During our committee deliberations, a number of proposals by my colleagues, the gentleman from New Jersey (Mr. PALLONE), who is here, and the gentlewoman from Colorado (Ms. DEGETTE) were adopted and are part of the underlying bill.

The bill before us also makes some significant improvements, improvements that we thought needed to be made over what we have learned over the last 4 years by creating an off-patent drug fund within NIH and setting up a public-private foundation to support the research necessary for these important drugs.

The bill also addresses some concerns that were raised by both the FDA and the GAO with regard to labeling. The bill enhances the labeling process and provides the FDA commissioner the authority to misbrand a drug if drug companies actually drag their heels and do not do what we are looking for.

Twenty-eight national children's health advocacy groups support this bill's passage. Among them are the American Academy of Pediatrics, the March of Dimes, and the National Association of Children's Hospitals.

This bill deserves to be passed overwhelmingly by the House of Representatives. We should follow in the other body's footsteps, which passed this, by the way, on a unanimous consent.

So I thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman

from Pennsylvania (Mr. GREENWOOD) for their leadership. It has been a pleasure working with my colleagues.

□ 1945

Mr. BROWN of Ohio. Mr. Speaker, I yield 4½ minutes to the gentleman from Michigan (Mr. STUPAK) who has worked hard on making this bill fairer for consumers and fairer for children and fairer for consumers of prescription drugs.

Mr. STUPAK. Mr. Speaker, I rise tonight to urge Members to vote against H.R. 2887, the Pediatric Exclusivity Act, as it is on the suspension calendar with controversial provisions.

First approved in 1997, pediatric exclusivity granted the drug companies an extra 6 months extension on their patents if they would provide a study to determine if the drug was beneficial to young people. Upon completion of that study, the FDA grants a pediatric exclusivity to the drug which the drug companies then used as a marketing tool to promote and increase drug sales.

The grant of pediatric exclusivity only takes place upon completion of a study without anyone knowing what the study says about the safety, the effectiveness and dosage requirements for young people. There is no requirement to change the labeling on the drug to reflect the changes needed. There is no label to tell the doctors what is the proper dosage, how to dispense and use the drug safely. Before we grant pediatric exclusivity to a drug and it is then marketed as being FDA approved for pediatric use, we should at least know what is the effect of the drug on young people.

Under the current bill, after the study is completed, exclusivity is granted, but whether the drug helps or hurts young people remains a secret and is not disclosed to doctors, patients, or their families. Physicians, patients, and their families should have a right to know about the drug before they ingest it.

If Members take a look at this chart, Lodine was approved on December 6, 1999; it was 9 months later before we had a label change. What did the label tell the doctors, an approximately two times lower dose than has been recommended for adults. For 9 months they did not know to lower the dosage.

Buspar is another drug that got pediatric exclusivity just for doing a study. Safety and effectiveness were not established in patients. The drug did not even work on young people.

Fluvoxamine, approved on January 3, 2000. On September 28, 2000, they make a label change. What does it say? Girls 8 to 11 years of age may require lower dosage. Why does it take 8 months for a doctor and a family to know?

How about Propofol, granted August 11, 1999? Label change February 23, 2001, 18 months later. Serious bradycardia can result from it. It is not indicated for pediatric ICU sedation, as safety has not been established. Incidence of mortality, twice as great.

Mr. Speaker, we need to know that before this drug is put out on the market and it is marketed by the drug companies as being FDA approved for pediatric use. Why should it take 2 to 18 months, and an average of 9 months? Under the current bill, it can go as much as 11 months.

Pediatric exclusivity, the only time labeling is not required is when we are dealing with pediatric exclusivity. Why should we endanger our children?

I cannot offer an amendment, the amendment I offered in committee, I cannot offer it because we are under the suspension calendar. I am asking Members to reject this bill on the suspension calendar. Let us make it better.

Even the FDA says the goal of pediatric exclusivity is labeling. We need to put the label on so we have the information before the doctor prescribes and before the consumer takes this drug. I cannot understand why the majority would not want doctors, patients, and families to know the effect a drug may have on their children.

What is the proper dosage? What is the effectiveness of the drug? And is the drug safe for our children? Why do we have to wait an average of 9 months to find out after this drug is dispensed to our children whether a drug is safe and did the child receive the proper dosage? We need to know that before children take the drug, not 9 or 11 months after.

Mr. Speaker, defeat this legislation on the suspension calendar so we can offer an amendment to tell the drug companies no pediatric exclusivity until a drug is properly labeled, before our children take that drug. Defeat this bill on suspension. Bring it back to the floor with the Stupak amendment to tie pediatric exclusivity to proper labeling.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute to respond to the gentleman from Michigan.

First of all, the gentleman knows that he offered three amendments to the committee, two of which were accepted; and the gentleman voted for the bill in committee.

On the last part, I want to make it clear to the House that current law section 502(n) and 301(z) in the regulations that interpret that law prohibit the marketing of exclusivity until the pediatric indication is on the label. That is the law today. What we do in this bill is go further. We make it a priority review on the pediatric indication, and we put a time certain after which it is misbranding if the pediatric indication is not on the label.

The point I am making is that the problem the gentleman is concerned about is already covered in the law as a violation. A pharmaceutical company is prohibited under the law today to market a drug's exclusivity without the pediatric indication being on the label. That is, under current law, prohibited.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. STUPAK. Mr. Speaker, will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Speaker, it has been good working with the majority. We cannot agree on this amendment. Even the FDA has asked for this amendment. When they testified before our committee in January, they said the weakness is labeling. "The goal of pediatric exclusivity should be labeling," that is a quote from the FDA.

Section 552 does not work in the real world; that is why we need this amendment.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of the bill. If it is not broken, do not fix it. According to the FDA, "The pediatric exclusivity provision has been highly effective in generating pediatric studies on many drugs and in providing useful new information and product labeling"; that is a quote from them.

The American Academy of Pediatrics states that they "cannot overstate how important this legislation has been in advancing children's therapeutics." The Greenwood-Eshoo legislation reauthorizes this important program, which has worked, for an additional 6 years. It keeps the present incentive in place and makes important improvements. The legislation ensures that off-patent generic drugs are studied, and tightens the time line for making labeling changes.

We heard from the gentleman from Michigan (Mr. STUPAK) before. He believes that this program does not do enough to ensure that pediatricians get access to labeling information. We have worked diligently to address these concerns. The gentleman from Michigan (Mr. STUPAK) I think would be the first one to agree. For 5 hours today, staff has worked together on the bill. Agreement was reached. The gentleman from Michigan (Mr. STUPAK) was concerned, as we all are, that in fact the providers are made aware of any problems that result or any potential problems that result as a result of the testing.

We agreed that there would be language in the legislation that would require the manufacturer to share a summary of the tests and whatnot with all providers. That was agreed to by the gentleman from Michigan (Mr. STUPAK), or at least by his staff. I will put it that way. As I understand it, there is a change of mind in that regard.

We agree that the providers should know. We have worked very diligently to address that. Our bill does make pediatric, what we call "priority supplements," which will speed up the process for getting new labels. Second, by giving the Secretary authority to deem drugs misbranded, we guarantee label

changes will be made. We believe, and children's groups agree, that the changes we make are the right compromises to maintain the incentives and get labels changed.

Mr. Speaker, I would like to acknowledge the hard work of the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentlewoman from California (Ms. ESHOO). Their bill enjoys strong bipartisan support. The companion bill passed the Senate without opposition. This bill favorably passed the Committee on Energy and Commerce by a 41-to-6 vote.

I thank the staff that worked so very long and hard on this legislation, including John Ford and David Nelson with the minority; Eric Olson with the office of the gentlewoman from California (Ms. ESHOO); Brent Del Monte with the majority staff; Alan Eisenberg from the office of the gentleman from Pennsylvania (Mr. GREENWOOD); and finally, Mr. Steve Tilton, of my staff. I ask all Members to support this legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. WAXMAN) the original author of the Waxman-Hatch Act, who understands the importance of generic drugs and generic competition.

Mr. WAXMAN. Mr. Speaker, before the Greenwood-Eshoo bill which is now under consideration, there was a law called the Greenwood-Waxman bill. It was passed in 1997. It was an attempt to get the pharmaceutical companies to do studies on the dosage and the reactions of drugs for children.

I supported that bill, as the original cosponsor, but I think it was a mistake because we are overpaying for the work of the pharmaceutical companies to test for children. The cost of exclusivity, which was the price we said we would pay for them to do these tests, has exploded beyond any relation to the cost of a drug company doing the pediatric studies.

In the case of one heartburn drug, exclusivity provided between a 30,000 and a 60,000 percent return on the company's investment. The trial was estimated to have cost between \$2 and \$4 million. The exclusivity is estimated to be worth more than \$1.2 billion. In turn, this windfall contributes to skyrocketing insurance premiums, rapid growth in Medicaid budgets and the soaring out-of-pocket costs for seniors on Medicare.

As with each of the delays the drug companies use to postpone generic competition, each time we extend patents or exclusivity, it costs patients money. If we look at just 25 more drugs that are coming up for exclusivity soon, this law will add at least \$11 to \$12 billion to the Nation's health care bill. The entire budget of the National Institute of Child Health is less than one-tenth of these windfalls, in fact, less than gained for the heartburn drug alone. This is irresponsible public policy. It is bad for the budget, bad for

helping us secure a Medicare drug benefit, and bad for the American public that pays for these drugs.

But the supporters of the drug say, if we do not pay this highway robbery to the drug companies, the companies will stop doing research on children. That is not true. We do not have to pay that much. In subcommittee and in committee, I offered an amendment to provide generous, but not excessive payments to the drug companies to do pediatric trials. We would have paid them twice the cost of doing the trial, 100 percent return on their investment should be enough for anyone.

Although I offered to accept a friendly amendment that would have made it 200 percent, 300, 400, or 500 percent profit, but not even that was good enough for the pharmaceutical manufacturers.

This debate is about how seriously distorted the pharmaceutical marketplace has become, and no wonder senior citizens and people with disabilities and insurers are screaming about drug costs. I am particularly concerned that this legislation results in a windfall for drug makers without even getting the public health and pediatric benefits that were promised.

If we are getting anything back from drug companies, it is supposed to be new information for parents and pediatricians. But as the gentleman from Michigan (Mr. STUPAK) has pointed out, even drugs that are given exclusivity have not been getting their labels changed. He has an amendment that would link the exclusivity to the actual label change. The label change is important. That is what we are paying for. It is the information about the pediatric trials; and the drug companies are getting their side of the bargain, an extended patent period. But the consumers, especially the pediatricians, are not getting what we are bargaining for, which is the information for them to make the best judgment for children.

□ 2000

I would have hoped that the House would have given a chance to debate and support the Stupak amendment and not put this bill on the suspension calendar. I think on the substance of it, it is a bill that is poorly thought out in light of the experience we have had, and I will oppose the bill. But I would also oppose it because the suspension calendar is not the appropriate place for this legislation where an important amendment like the Stupak amendment should be given a chance to be debated.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. TOWNS) for whom all of us share great sympathy

and concern tonight as New York again experiences another tragedy.

Mr. TOWNS. Mr. Speaker, how soon we forget.

I would like to remind my colleagues of the practice of pediatric medicine before 1997. We need to remember just how difficult it was for physicians to know the proper dosages of certain medicines for their small patients. Is half of an adult dose enough, too much or too little? Before 1997, many children were denied access to medicines because drugs were not produced in dosable forms that could be used by pediatric patients. It was not very encouraging to be a pediatrician prescribing medicine to children, breaking pills in half, breaking pills into quarters; and it was mostly guesswork.

Let me remind my colleagues of what happened in 1997 that changed the practice of pediatric medicine. Let me remind my colleagues, because it happened right here on this floor. We passed the Better Pharmaceuticals for Children Act, which was enacted into law as part of the Food and Drug Administration Modernization Act. You remember this, I hope. Our colleagues saw the importance of enacting this legislation and providing an incentive for research-based pharmaceutical companies to conduct research on pediatric indications for medicines. The Better Pharmaceuticals for Children Act provided additional market exclusivity as an incentive for pediatric studies on new and existing pharmaceuticals. This act will expire on January 1, 2002, unless we pass this legislation before us today to reauthorize it.

Let us pass it so we can protect our little ones, because the health of our children has been greatly improved as a result of this act. Let us not go away saying that we should continue to do guesswork.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DEUTSCH), who believes that Astrazeneca's \$4 million investment in Prilosec and \$1.4 billion in higher prices to consumers is wrong.

Mr. DEUTSCH. Mr. Speaker, there really is no such thing as a free lunch, and what this legislation does is it gives 6 months of additional exclusivity for these companies.

Again, I think it is interesting, first of all these companies develop these drugs without knowing that they would get the additional 6-month exclusivity, so this was not a factor in any of the research to develop the drugs. None of these drugs are being developed because of it. It really is a gift of this additional 6 months of exclusivity.

When we are talking about these billions of dollars, the \$1.4 billion for

Prilosec or for Prozac about \$900 million or for Pepcid \$200 million or for Zestril \$300 million or for Claritin \$580 million, what are we talking about? We are talking about additional profit for these companies. That is not make-believe profit. That profit, that monopoly profit, is coming from our constituents, from us, out of our society, for monopoly reasons, for no good reasons, because the reality is that these drugs would be developed for an incredibly, it seems almost unreal the numbers, the magnitude of what we are talking about.

The gentleman from California (Mr. WAXMAN) mentioned in the committee that he offered a 100 percent return, 200 percent return, 300 percent return, 400 percent return. It is almost like the Biblical tale when they are saying how many righteous people does it need to save the city. And the reality is it did not matter. It did not matter how many righteous people were needed. It does not matter how much profit could be made, because that is what the majority and the supporters of this bill want to see happen. The drugs would be developed, anyway.

As the ranking Democrat on the subcommittee in the introduction to this debate said, we are all for increasing the availability of prescription drugs for children. In fact, there is nothing about the proposals that we offered in the committee, the substantive proposals, that would make less. In fact, they probably would make more because of the availability of not just doing it for drugs that are blockbuster but for other drugs. But those amendments were rejected in the committee.

I urge my colleagues to defeat this bill on suspension. We have the opportunity on a regular order basis to offer amendments. And also to educate our colleagues as much as we possibly can about this. I think this is one of these issues that the light of day shines very brightly; and as it shines very brightly, I believe that in fact it would lead to a program such as some of the proposals in the committee that would not have the \$10 billion of these drugs, the 24 drugs that we are talking about, \$10 billion that literally is taken out of the pockets of our constituents and given as additional monopoly profits, total monopoly profits to the drug companies. That is the cost of this bill. For my colleagues or anyone who votes for it, I think that should be your standard. You are paying \$10 billion for what the reality is you can pay maybe \$40 million for. The scale is that dramatic. There is no reason for us to be doing that.

Defeat the bill. I urge my colleagues to vote "no."

ESTIMATED COST TO CONSUMERS OF A SIX-MONTH PEDIATRIC EXCLUSIVITY EXTENSION FOR 24 POPULAR DRUGS

Drug	Manufacture	Status of Exclusivity	2000 Sales	Cost to Consumers	Benefit to Brand-Name Drug Manufacturers
Prilosec	ASTRAZENECA	Received	\$4,102,195,000	\$676,862,175	\$1,435,768,250
Prozac	ELI LILLY	Received	2,567,107,000	423,572,655	898,487,450
Pepcid	MERCK	Received	568,684,000	93,832,860	199,039,400
Daypro	SEARLE	Received	163,783,000	27,024,195	57,324,050
Plendil	ASTRAZENECA	Likely to Receive	169,716,000	28,003,140	59,400,600
Zestril	ASTRAZENECA	Likely to Receive	833,359,000	137,504,235	291,675,650

ESTIMATED COST TO CONSUMERS OF A SIX-MONTH PEDIATRIC EXCLUSIVITY EXTENSION FOR 24 POPULAR DRUGS—Continued

Drug	Manufacture	Status of Exclusivity	2000 Sales	Cost to Consumers	Benefit to Brand-Name Drug Manufacturers
Claritin	SHERING	Received	1,667,347,000	275,112,255	583,571,450
Mevacor	MERCK	Likely to Receive	216,661,000	35,749,065	75,831,350
Monopril	BRISTOL MEYERS SQUIBB	Likely to Receive	233,969,000	38,604,885	81,989,150
Paxil	SMITHLINE BEECHAM	Likely to Receive	1,807,955,000	298,312,575	632,784,250
Viracept	AGOURON	Likely to Receive	315,510,000	52,059,150	110,428,500
Zocor	MERCK	Likely to Receive	2,207,042,000	364,161,930	772,464,700
Zolof	PFIZER	Likely to Receive	1,890,416,000	311,918,640	661,545,600
Ultram	JOHNSON RW	Received	601,465,000	99,241,725	210,512,750
Celebrex	SEARLE	Likely to Receive	2,015,508,000	332,558,820	705,427,800
Cipro	BAYER	Likely to Receive	1,023,657,000	168,903,405	358,279,950
Flovent	GLAXO WELLCOME	Likely to Receive	647,980,000	106,916,700	226,793,000
Serevent	GLAXO WELLCOME	Likely to Receive	448,923,000	74,072,295	157,123,050
Glucophage	BRISTOL MEYERS SQUIBB	Received	1,629,157,000	268,810,905	570,204,950
Avandia	SMITHLINE BEECHAM	Likely to Receive	617,629,000	101,908,785	216,170,150
Duragesic	ALZA	Likely to Receive	352,934,000	58,234,110	123,526,900
Prevacid	TAP PHARM	Likely to Receive	2,832,602,000	467,379,330	991,410,700
Imitrex	GLAXO WELLCOME	Likely to Receive	747,631,000	123,359,115	261,670,850
Norvasc	PFIZER	Likely to Receive	1,597,091,000	263,520,015	558,981,850
Total-24 Drugs .....	.....	.....	29,258,321,000	4,827,622,965	10,240,412,350

Mr. TAUZIN. Mr. Speaker, we have heard from the laymen. It is time now to hear from the distinguished gentleman from Georgia (Mr. NORWOOD), to whom I yield 2 minutes.

Mr. NORWOOD. Mr. Speaker, I think that it is perfectly clear to me and perhaps to other Members that there really are people in our body that just do not like the pharmaceutical industry. It is a little baffling to me. I do not impugn their motives, I do not question their motives, I just do not understand it because this is a bill not about profits; but this is a bill about making sure that medications that are produced for adults are then further studied for children. I do not understand exactly why a system that has worked so well and has produced what we wanted it to do should be attacked so tonight.

I have time only to make just one point, but the pharmaceutical industry does not choose which drug is to be studied. Therefore, it does not choose which drug can have 6 months' extension on its patent. Not every drug is eligible for pediatric exclusivity. The decision about whether to issue a written request, that rests with the FDA. That is not based on dollars and cents. It is based on which medication needs to be studied. If there is no written request, there is no opportunity for pediatric exclusivity which means the 6 months' extension on their patent. Hence, and for sure, blockbuster drugs like Rogaine and Viagra will never gain the ability to have pediatric exclusivity.

Lastly, I think just on labeling, I want to point out to you that when you go to the drug store and you get your little plastic vial and it has a label on it, the label on the medication is the doctor's orders. The pediatrician has written to the pharmacist what we want on the label. And to imply that pediatricians in this country simply do not have enough sense to understand that a drug produced for an adult has to be changed for a child is wrong. I give them credit to know that they worry about what they write and what kind of prescription they write, and they carefully put the label through the pharmacies on the drug.

I encourage my colleagues to vote for this and let us go forward and study these drugs for the children of this country that has proven to be reliable, the system that we have been under lately.

Mr. BROWN of Ohio. Mr. Speaker, how much time does each side have?

The SPEAKER pro tempore (Mr. OTTER). Each side has 3 minutes remaining.

Mr. BROWN of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. PALLONE), who knows that Eli Lilly's \$4 million investment in Prozac and \$900 million increase in profits robs consumers.

Mr. PALLONE. Mr. Speaker, I listened to what the gentleman from Georgia (Mr. NORWOOD) said about perhaps some of us who are opposed to this bill not liking the pharmaceutical industry. Let me say that is not true. The pharmaceutical industry is a major industry in my State and particularly in my district. But the point that I think those of us opposed to this bill are trying to make is that there is no reason to continue a Federal program that can provide the same service for much less cost to the consumer at a time when we know that the high cost of prescription drugs is making it difficult for consumers to have access to them.

We all agree in this debate, Mr. Speaker, that we have an enormous responsibility to our children. I have three children, 4, 6, and 8 years old. Above all else, we must ensure that the prescription medications our children may have to take are in fact tested appropriately and deemed safe for children. But the intent of this law was to create an incentive for companies to discover new pediatric uses for their products in exchange for 6 months of exclusivity for the work done.

There are several drawbacks. When the other side says that this program works, I would maintain that it does not work. It certainly does not work as well as it should. According to the HHS report on the pediatric exclusivity provision, the FDA's interpretation of the law has in essence been granting companies patent extensions without receiving the pediatric benefits it was intended to generate. The report states that the incentive has naturally tended to produce pediatric studies on those products where the exclusivity has the greatest value to the product's sponsor. This has left some drugs of importance to children, but for which the incentive has little or no value, unstudied.

Additionally, I am concerned that granting 6 months of exclusivity has a

very dramatic financial impact on consumers. This type of a patent extension serves as yet another obstacle that blocks access to generic drugs for consumers, forcing seniors and others to pay higher prices because lower-cost alternatives are needlessly kept off the market. The HHS report states again that the Secretary finds that the impact of the lack of lower-cost generic drugs on some patients, especially those without health insurance and the elderly, may be significant.

Mr. Speaker, I cannot emphasize enough that testing of drugs for pediatric use is essential. Again, I have small children so I understand that. However, I feel that reauthorizing the pediatric exclusivity provision would simply provide tightly budgeted dollars to an industry that can afford to protect children's health with less of an incentive. I said in committee and I will say again on the floor, I do not think the pharmaceutical industry needs an incentive to conduct studies to ensure safety for children. Frankly, I think they should do it as a public service. But as the gentleman from California (Mr. WAXMAN) said, we are not asking them to do it for free. We have stated many times that we would provide twice the cost for profit or 200 percent or 300 percent, whatever. We offered all these amendments in committee. But the bottom line is that they are getting a windfall, and it is too much of a windfall. This was something we tried, but it does not have to be repeated again because it is not helpful to the consumer.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield the balance of my time to close on this important bill, which is supported by every children's health group in America, to the gentleman from Pennsylvania (Mr. GREENWOOD), the author of the legislation and the chairman of the Subcommittee on Oversight and Investigations.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding time, and I thank him for his great support in moving this legislation to the floor tonight. It has been a good debate; but I think at the end of the debate it is time to get our focus back on what this bill is about. It is about children. That is why it is called the Best Pharmaceuticals for Children Act.

In the history of medicine in America, we could never figure out a way to get the drug companies to do studies on children, delicate children, children who get sick from taking drugs. We could never find a way to get these studies done so we could bring the benefits of modern medicine that the elderly enjoy, that the middle-aged enjoy, fully to the children of America.

□ 2015

It could not be done. In 1997, my Democratic proponent of this bill, the gentleman from California (Mr. WAXMAN) and I, wrote legislation that did that. We broke the impasse after all of those years, and we have just begun to reap the benefits from it. The children of America have just begun to reap the benefits from it.

The Federal Food and Drug Administration said, "The pediatric exclusivity provision has done more to generate clinical studies and useful prescribing information for the pediatric population than any other regulatory or legislative process to date," period. That practically says it all.

But there are two arguments that have been raised. The gentleman from Michigan (Mr. STUPAK) raises a relatively arcane argument about labeling. This bill is all about labeling. This bill is about making sure that when a doctor sees a sick child and a doctor thinks medicine is good for that child, the doctor can open the box, pull out the pills, read the label and find what is the best dosage for children.

How do we do that? We do that by creating an incentive for these studies to be done. And when the pediatric exclusivity is determined has nothing to do with how the product is marketed. The fact of the matter is, we give them 6 months exclusivity, and in return, we get decades and decades and decades of good knowledge about how to make sick children well.

You can take my word for that, or you can take the word of the gentleman from Michigan (Mr. STUPAK) on that, or you can take the words of the General Accounting Office, which said "The pediatric exclusivity provision has been successful in encouraging drug sponsors to generate needed information about how drugs worked in children. The infrastructure for conducting pediatric trials has been greatly strengthened."

Now, there is a second argument. The second argument is this question about are we paying the drug companies too much to do these tests?

The basic premise of the bill is this: If the FDA asks you to study your drug on children and you do the study, you add 6 months to your patent before it expires. It is the same for everyone.

Now, the tortured logic of the opposition is, here is what we should do: If your drug is so successful in reducing suffering in America, so successful in curing the disease, you get penalized; now, if you have a drug that is not so successful, not a lot of people take it,

it does not seem to be all that popular with the medical community, well, we will let you make more.

We want to penalize success, and to penalize these companies for easing the pain and the suffering of Americans through the products they make is ridiculous. We ought to all get behind this bill, like every children's health group in America has, and support it overwhelmingly because it deserves that kind of support.

Today, Mr. Speaker, I am happy that the House is considering H.R. 2887, the Best Pharmaceuticals for Children Act.

This bill is the essence of bipartisan policy. It was reported out of the Energy and Commerce Committee by a vote of 41-6, and the Health Subcommittee by a vote of 24-5. Chairman TAUZIN and Chairman BILIRAKIS thank you for your leadership in moving this bill from committee to the floor.

Mr. Speaker, I am also pleased to have worked with Ms. ESHOO and the 16 other members of the minority who have cosponsored this legislation.

H.R. 2887 represents public policy at its best. There are now 197 drugs being studied that are undergoing 400 studies with respect to how these drugs affect kids. Contrast this with the change from the prior 6 years, when only 11 studies had been done.

As the Food and Drug Administration itself said in its report to Congress, the Better Pharmaceuticals for Children Act has had "unprecedented success," and "the pediatric exclusivity provision had done more to generate clinical studies and useful prescribing information than any other regulatory or legislative process to date."

This act has helped get drugs to kids who need them, let us better understand how drugs work in kids, and also know when we should and should not be giving kids certain drugs. Or as Linda Suydam, the FDA representative who testified before the Health Subcommittee earlier this year pointed out, "The results speak for themselves."

Let me give an example of how this has worked:

Take LODINE, which is prescribed for juvenile rheumatoid arthritis. This drug did not have safety and effectiveness in children established prior to this program. With the studies, we have determined a new indication for children 6-16 years in age and recommended a higher dosage in younger children.

Contrast this with the traditional mindset of just "taking the pill and breaking it in half" to determine the dosage for children.

This has been an incredibly effective law. But we can do even better.

Six of the 10 most used drugs by children have not been studied because they are off-patient. This bill will provide the funds for the studies to be completed on those off-patient drugs that are used so often to treat our children. Furthermore, we have developed a foundation to provide resources for the completion of these studies that will have so much value.

Some will argue that this is a Republican bill, helping drug companies. Nothing could be further from the truth. This bill, which I am proud to work on with Ms. ESHOO, is the very essence of bipartisanship. It passed out of the subcommittee by a vote of 24-5. And today, we have more Democrat cosponsors than Republican, including several members of the committee.

Some of my colleagues on the opposite side of the aisle will try to suggest that this bill is both costly and helps blockbuster drugs stay-off competition. This provision is not about blockbuster drugs. Over half of the 38 drugs that have been granted exclusivity do not even make the list of top 200 selling drugs.

Simply put, this bill is good policy. It is sound. It is tested. It is tried. It works.

We need to reauthorize pediatric exclusivity. Vote yes on H.R. 2887.

Mr. DINGELL. Mr. Speaker, I rise to oppose passage of H.R. 2887, a bill that would continue a program that grants drug companies an additional six month period of market exclusivity, if they conduct tests on the use of their drugs for children. Make no mistake; there is complete agreement on the part of all Members that improved testing and labeling of prescription drugs for use in children is a good thing. The only question for debate is how to accomplish that important public health objective.

In 1997, when this law was enacted, the economy was healthier and drugs were cheaper. Even then, I expressed concern about the detrimental impact this provision could have the availability of generic drugs. It is now my view that we made a mistake in enacting the pediatric exclusivity law. First, it establishes a voluntary "incentive" for activity that should instead simply be required. Second, assuming that we choose to provide an incentive, the exclusivity program is more expensive, less equitable, and less efficient than any number of alternatives.

Let there be no doubt. The central feature of this bill, exclusivity, is about further increasing the profits of an already bloated industry—an industry that does not seem to be able to moderate its pricing practices even as it increasingly burdens its customers, American consumers, and taxpayers. For example, one drug, Prilosec, earned an additional \$1.4 billion during the six months of additional monopoly pricing that AstraZeneca enjoyed. Another drug, Prozac, earned Eli Lilly an additional \$900 million.

Indeed, of the 38 drugs that have been granted pediatric exclusivity, less than 20 of them now have pediatric labeling. The companies are not even required to make public the results of the studies they agreed to perform. The Committee rejected, unwisely in my view, an amendment by Representative Stupak that would have closed this dangerous loophole in the law by conditioning the grant of exclusivity to actual pediatric labeling. Don't just take my word for it. The American Academy of Pediatrics, the Food and Drug Administration (FDA), and many supporters of this legislation have declared that the absence of pediatric labeling of drugs used by children presents serious health risks to them.

How much did these studies cost the manufacturers? An average of less than \$4 million each. How much did this cost American consumers? For only 24 drugs that either have received or will likely receive pediatric exclusivity under this bill, their sponsors will net \$11.5 billion and cost consumers \$5.4 billion over the five fiscal years of the program. Depending on future price increases, the total windfall to the brand name pharmaceutical industry could easily exceed \$20 billion. The Prilosec windfall alone is worth more to AstraZeneca than the Administration's entire 2002 budget request for the FDA.

The impact of pediatric exclusivity falls directly on those who consume the drugs that get the exclusivity. Who are these people? They include seniors, many that cannot afford the prescription drugs they need. And, ironically, pediatric exclusivity can hurt the very people it is intended to help because many unemployed, uninsured, and working poor cannot afford the expensive drugs needed by their children.

During the Subcommittee and Full Committee mark-ups, Democratic colleagues offered amendments that were collectively aimed at enhancing the protection afforded to children when they take prescription drugs and designing programs that minimize and equitably allocate the financial burden. Unfortunately, we will not be allowed to offer those amendments today. Any of them would have saved consumers billions and offered the same or better benefits in the accurate labeling of these medicines for children. But the Republican Leadership has chosen to hide behind process and avoid votes on these ideas. I urge my colleagues to vote no so we can have the opportunity to craft a more efficient and equitable way to accomplish this important public health objective.

Several potential, and very serious, abuses of the Hatch-Waxman procedures have been uncovered during the course of the discussions with the FDA regarding the technical provisions of this bill. We learned that one company, Bristol Meyers Squibb, had apparently succeeded in convincing FDA that it was entitled to all additional 3½ years of exclusivity for the same pediatric study of its drug, Glucophage, that Bristol Meyers Squibb they had submitted to acquire the initial six months of monopoly marketing. Three of those years of alleged exclusivity were based on the company's claim that a study of some 68 pediatric patients was sufficient to merit a new indication of use claim under Section 505(j) of the Act. Normally, such claims only result in differential labeling between a product that was the subject of a new trial and other therapeutically equivalent products on the market. However, Bristol has apparently succeeded in convincing at least some of the decisionmakers in FDA that the differential labeling regarding pediatric use may constitute a safety risk if not found on equivalent generic products. Because FDA has granted three-year exclusivity to the pediatric label of Glucophage, Bristol has argued that no generic may be marketed during the pendency of its labeling exclusivity.

Most Members recognize this argument as a fundamental abuse of the system and were the FDA and the Bush Administration to accept the claim, consumers would be harmed. I am happy to note that H.R. 2887 closes this potential loophole by instructing the FDA to approve generic drugs without proprietary pediatric labeling awarded to product sponsors under the Hatch-Waxman Act.

However, this is merely a partial fix of the abuses that can arise from decisions of the FDA that performing 505(j) studies for "new indications" allows the grant of exclusivity for studies that merely segment the population for which there is an already approved treatment. While differential pediatric labeling may not prevent the development of a competitive market for a drug product, generic labeling or labeling based on race, gender or a host of other distinctions within a population could "evergreen" the monopoly enjoyed by a drug

manufacturer and the inflated prices charged all consumers.

Not surprisingly, attempts to close this potential three-year loophole were opposed by the brand name industry. We can now expect a rush of petitions to the FDA to approve special labeling for sub-populations that, in many cases, will cost consumers billions of dollars for each drug. Even worse, such studies would divert research dollars into preserving existing monopolies instead of developing new products, the purpose of government protection. This would be quite a legacy for the FDA, for the Bush Administration, and for the House Republican Leadership.

Ms. DEGETTE. Mr. Speaker, I rise today in support of H.R. 2887, the "Best Pharmaceuticals Act for Children." Passage of this bill will continue to enhance our understanding of which medications are safe and efficacious for children by reauthorizing the pediatric exclusivity program.

I thank Chairman TAUZIN and Mr. GREENWOOD for including two of my provisions in this bill. Their inclusion will help to ensure that the program works for all children. These provisions will aid in increasing the representation of ethnic and racial minority children in clinical trials covered under the Act. It certainly has the potential of impacting the families of half my constituents—49.5 percent of who are ethnic or racial minorities.

My provisions require General Accounting Office to conduct a study to examine the extent to which minority children are adequately represented in studies covered by Act. The study will also explore whether drugs used to treat diseases that disproportionately affect ethnic and racial minorities are being studied for their safety and efficacy. This line of inquiry is key as myriad diseases including diabetes, heart disease, sickle cell anemia, and others disproportionately affect ethnic and racial minorities, we must ensure that medications used to treat these ailments are studied.

Additionally, the bill permits the Secretary of Health and Human Services to take into account the presence of adequate representation of ethnic and racial minority children when negotiating written protocols with clinical sponsors. This additional language highlights the need to include this population among study participants.

Mr. Speaker, both additions to the bill help to ensure that all children, white, black, and brown receive the best health care possible. The demographic changes that are anticipated over the next decade magnify the importance of this issue.

While I am in support of this measure, I am concerned that its placement on the suspension calendar precludes Members who have concerns about the bill from bringing their issues and proposed solutions to the House floor for consideration by all Members. I hope their issues are addressed as we work out the differences between the Senate and House passed versions.

Ms. HARMAN. Mr. Speaker, I would like to thank my colleague from California for the opportunity to speak in support of this important legislation.

The Best Pharmaceuticals for Children Act is about harnessing the promise of the most advanced pharmaceuticals for the most vulnerable members of our society. Dr. Jay Lieberman, a pediatric disease specialist from my district, has told me that literally every day

he sees children with serious, sometimes life-threatening infections, on whom he must use antibiotics and other drugs that have not been tested to determine how safe they are for children.

"Are we using too much drug?" he asks. "Not enough? Will there be adverse effects in children that have not been seen in adults? We can only hope that our sickest infants and children don't die because of our ignorance."

We must do all we can to end this ignorance, and thanks to the extension of patent exclusivity for companies that test their pharmaceuticals for children, we have already accomplished much. Over the past four years, pharmaceutical companies have dramatically increased the number of pediatric trials for new prescription drugs. More products are being labeled with the proper dosage for children and potentially harmful interactions, and more companies are conducting research into special drug formulations for children.

Today we have the opportunity to act to renew and strengthen the legislation that has made this possible. I urge all my colleagues to vote for the Best Pharmaceuticals for Children Act.

Mr. UPTON. Mr. Speaker, as an original cosponsor of H.R. 2887, The Best Pharmaceuticals for Children Act, I am very pleased that we are taking it up tonight under the Suspension Calendar. As the FDA's report to Congress earlier this year indicated, "the pediatric exclusivity provision has been highly effective in generating pediatric studies and in providing useful new information on product labels." It is important that we reauthorize this very effective program to protect and improve children's health.

The bill before us today makes some important improvements in current law. Under current law, there is little incentive to perform the studies necessary to label off-patent drugs for pediatric use. This bill establishes a federally funded program operated through the NIH and the FDA to contract for studies of off-label drugs. It also establishes a nongovernmental foundation to fund these studies as well as other pediatric research. I have confidence that this foundation's work will be generously supported by the pharmaceutical industry, which indicated in a recent letter to Chairman Tauzin that "such a charitable foundation is an excellent idea."

Third, the bill provides the user fees that the FDA has requested to speed up the consideration of applications for labeling changes to reflect pediatric use and gives priority status to the review of these applications.

Fourth, the bill establishes an Office of Pediatric Therapeutics at the FDA to coordinate and oversee pediatric activities across the agency.

Mr. Speaker, I urge all of my colleagues to join me in supporting the Best Pharmaceuticals for Children Act. In the interest of children's health, we cannot allow the pediatric exclusivity provisions to expire at the end of this year.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on October 11, 2001, the Committee on Energy and Commerce favorably reported H.R. 2887, the "Best Pharmaceuticals for Children Act." I commend the Committee for its great work to reauthorize legislation to promote labeling of prescription drugs for use in children. As the Chairwoman of the Congressional Children's Caucus, I am concerned that a section

of this legislation may violate the Takings Clause of the United States Constitution. As a member of the Committee on the Judiciary, I have vigorously sought to protect private property rights and to pursue just compensation for those whose property rights are violated. My analysis of section 11 of H.R. 2887, brings me to the conclusion that it would violate current exclusive rights of manufacturers and in turn expose the U.S. government to substantial claims for just compensation. Attached are legal memoranda prepared by the law firm of Wilmer, Cutler & Pickering that validate my concerns:

MEMORANDUM TO THE HOUSE ENERGY
AND COMMERCE COMMITTEE

Subject: Legal Analysis of the Proposed Amendment to the Hatch-Waxman Act Concerning Approval of Generic Versions of Drugs Without Pediatric Labeling

Congress and the FDA have long sought to encourage pharmaceutical manufacturers to continue researching and refining their products once they are on the market. They have been particularly concerned with developing much-needed clinical research into the efficacy and safety of existing adult drugs for children. To give manufacturers an incentive to engage in research and develop new uses for their products, current law gives manufacturers a three-year exclusive right to market their products with any FDA-approved labeling changes that are based on new clinical research. (Since drugs cannot now be marketed without FDA-approved labeling, this restriction is the equivalent of a three-year exclusive right to market the products themselves.) To provide an extra incentive to conduct clinical research regarding children's health, current law grants manufacturers an additional six-month extension of market exclusivity for any FDA-approved label change based on pediatric clinical trials.

In exchange for this promise of exclusive marketing rights, manufacturers have spent tens of millions of dollars to conduct research into whether their adult products are safe and effective for children and to develop appropriate dosage, indication, and other labeling information for pediatric use. Bristol-Myers Squibb ("BMS"), for example, has spent significant resources on pediatric trials for Glucophage, its type 2 diabetes medicine, and has developed guidelines for the product's safe and effective use for children. BMS did this work at the express request of the FDA, which was concerned that none of the oral type 2 diabetes treatments on the market were approved for pediatric use.

On October 11, however, the House Commerce Committee adopted a proposed amendment to these provisions that would strip away these exclusive marketing rights for existing products like Glucophage. The proposed legislation would likely be found to take pharmaceutical manufacturers' intellectual property within the meaning of the Fifth Amendment, thereby exposing the Treasury to massive claims for just compensation. The proposed legislation also reneges on the express quid pro quo the government has promised manufacturers like BMS, exposing the United States to breach of contract litigation similar to that following the savings and loan crisis. In sum, the proposed legislation presents a certain risk of litigation and a substantial risk of large judgments against the Treasury.

1. THE PROPOSED LEGISLATION WOULD EFFECT A
"TAKING" OF PRIVATE PROPERTY FOR WHICH
"JUST COMPENSATION" WOULD LIKELY BE RE-
QUIRED

The Takings Clause of the Fifth Amendment to the United States Constitution pro-

vides that the federal government may not take "private property . . . for public use, without just compensation." U.S. Const. amend V. The Supreme Court has concluded that intellectual property—including exclusive rights to use such property—is protected by this Clause, and that when such property is taken for a "public use," compensation to the owner of the property must be made. See *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986, 1001–1004 (1984).

Pharmaceutical manufacturers' current exclusive rights to market their products are no different from patents or other intellectual property and would be protected by the Takings Clause. The proposed legislation may interfere with BMS's (and other manufacturers' rights) in at least two distinct ways. First, under current law, including the pertinent FDA regulations governing the "misbranding" of prescription drugs, BMS has the exclusive right to distribute Glucophage for both adult as well as pediatric use. Two separate provisions of the Federal Food Drug and Cosmetic Act ("FDCA") provide BMS with the exclusive right to label Glucophage for pediatric use. As a result of this statutory exclusivity, another manufacturer may not distribute Glucophage bearing labeling for pediatric use until June 15, 2004.

But the legal effect of the statutory exclusivity is broader than mere pediatric use. Under the FDA's "misbranding" regulations, manufacturers of prescription drugs must provide labeling information related to pediatric as well as adult use. See 21 C.F.R. §201.57(f)(9). A drug that is "misbranded" may not be marketed or distributed, see, e.g., 21 U.S.C. §352(a), and as a result, generic manufacturers are prevented by current law from distributing Glucophage at all. In short, when BMS obtained the exclusive right to pediatric labeling, the legal effect of that exclusive right was to obtain the exclusive right to market Glucophage for adult as well as pediatric use. According to the proposed legislation, however, BMS would lose this exclusive right, because a generic manufacturer of Glucophage would be deemed to be in compliance with the FDA's labeling laws without including the required pediatric use by including on their labels "a statement that the drug is not labeled for the protected pediatric use" and "any warnings against unsafe pediatric use that the Secretary considers necessary."

Second, the proposed legislation would, as a practical matter, eviscerate the exclusive right to pediatric labeling that BMS obtained under federal law. Once the generic versions are introduced into the market, even though they are not specifically labeled for pediatric use, doctors may nonetheless prescribe those same drugs to children for off-label use. This fairly common practice would eliminate the value of the market exclusivity for pediatric labeling to which BMS is entitled under federal law.

These two incursions onto BMS's rights may be deemed to constitute a compensable taking of its intellectual property. Courts typically consider several factors when determining whether a governmental action constitutes a taking, including "the character of the governmental action," "its economic impact," and "its interference with reasonable investment-backed expectations." *Ruckelshaus*, 467 U.S. at 1005. Similar to *Ruckelshaus*, "force of [the third factor]—interference with reasonable, investment-backed expectations—"is so overwhelming . . . that it disposes of the taking question." *Id.* at 1005. BMS obtained the statutory exclusivity only after making substantial investments in clinical studies, doing so in the reasonable expectation that its exclusivity to market Glucophage would

be extended for an additional three and one-half years. Even assuming that the BMS did not receive a de jure exclusive right to market Glucophage for all uses, it certainly had the reasonable expectation that its right to exclusive pediatric use would not be later eviscerated by a new labeling regime.

But the other factors also play a key role. The new legislation would have a distinct "economic impact" on BMS, by preventing it from enjoying the valuable intellectual property rights that the FDCA and the pertinent FDA regulations conferred. And unlike traditional forms of economic regulation, "the character of the governmental action" would suggest that a taking occurred, because the proposed statute would effectively divest BMS of the intellectual property described above.

Accordingly, the proposed legislation presents a substantial risk that the federal government will be forced to compensate BMS for the loss of its valuable intellectual property. Given the large expected sales of Glucophage, the amount of compensation required could likewise be large.

II. THE PROPOSED LEGISLATION WOULD BREACH
THE GOVERNMENT'S IMPLIED CONTRACT WITH
MANUFACTURERS SUCH AS BMS.

As the FDA recognized when it authorized BMS to begin clinical trials on Glucophage in children, the absence of information on the use of oral drugs to treat type 2 diabetes in children is a significant public health issue. Type 2 diabetes has become, in recent years, increasingly prevalent in children, recent epidemiological studies indicate that up to forty percent of newly diagnosed diabetic children have type 2 disease. Until last year, however, none of the fourteen oral medications approved for treatment of type 2 diabetes had been approved by the FDA for use in children.

Based on this treatment gap, in 1998 the FDA issued a written request to BMS seeking initiation of clinical studies regarding the safety and effectiveness of Glucophage in children; pursuant to this request, BMS agreed to conduct such studies. By responding favorably to the FDA's request for clinical trials, BMS stood to reap several significant advantages with respect to its exclusivity over Glucophage. Under the exclusivity provisions of the FDCA, 21 U.S.C. §355a, completion of a pediatric clinical trial in accordance with the FDA's specifications entitles the patent holder to six months' additional exclusivity over the drug. Moreover, under provisions of the Hatch-Waxman Act, 21 U.S.C. §355(j)(5)(D)(iv), and the regulations promulgated thereunder, 21 CFR §314.108(b)(5)(ii), the FDA may grant three years' further exclusivity for labeling changes made possible by clinical investigations. In December 2000, the FDA granted BMS that three-year extension with respect to pediatric indications for Glucophage. In devoting time and resources to its pediatric clinical trials on Glucophage, BMS therefore reasonably relied on its statutory right to six months' exclusivity for following the FDA's pediatric clinical study guidelines, and its right to additional exclusivity under Hatch-Waxman if its research culminated in FDA-approved labeling changes.

By undoing the benefits promised to BMS for completing clinical trials on Glucophage, the proposed legislation would be a breach of contract. As the Supreme Court recently held with respect to Congress's abortive bailout of the savings and loan industry, "[w]hen the United States enters into contract relations, its rights and duties therein are governed generally by the law applicable to contracts between private individuals." *United States v. Winstar Corp.*, 518 U.S. 839, 895 (1996) (plurality opinion). The Court affirmed

the core principle of Winstar last year in Mobil Oil Exploration & Producing S.E., Inc., v. United States, 530 U.S. 604 (2000). In that case, the Court was asked to analyze the validity of the Outer Continental Shelf Lands Act ("OCSLA"), which barred offshore drilling for which oil companies had previously paid the United States \$158 million to receive permits. The court found that the passage of OCSLA violated the oil companies' rights under the contract, and that the government was required to return the \$158 million. Id. at 624. This was the case, according to the Court, despite the fact that the permits the oil companies received only entitled them to pursue drilling if they subsequently fulfilled certain regulatory requirements. Id. at 621. As the Court found, "[t]he oil companies gave the United States [a benefit] in return for a contractual promise to follow the terms of pre-existing statute and regulations. The new statute prevented the Government from keeping that promise. The breach substantially impaired the value of the contracts. And therefore the Government must give the companies their money back." Id. at 624 (internal citations and quotation marks omitted).

Just as was the case in the S & L and oil drilling situations, the proposed legislation here would deprive the party contracting with the government—in this case, BMS—the right to the benefit of the bargain it had struck with the United States. This breach by the government would entitle BMS to bring suit in the Court of Federal Claims under several theories of contract law, and would expose the United States to expensive and protracted litigation.

The SPEAKER pro tempore (Mr. FORBES). All time has expired.

The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 2887, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BROWN of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AMERICAN SPIRIT FRAUD PREVENTION ACT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2985) to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act.

The Clerk read as follows:

H.R. 2985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Spirit Fraud Prevention Act".

SEC. 2. INCREASE IN PENALTIES FOR UNFAIR OR DECEPTIVE ACTS OR PRACTICES EXPLOITING REACTION TO CERTAIN EMERGENCIES AND MAJOR DISASTERS.

(a) VIOLATIONS OF PROHIBITION AGAINST UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—Section 5(m)(1) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)) is amended by adding at the end the following:

"(D) In the case of a violation involving an unfair or deceptive act or practice in an emergency period or disaster period, the amount of the civil penalty under this paragraph shall be double the amount otherwise provided in this paragraph, if the act or practice exploits popular reaction to the national emergency, major disaster, or emergency that is the basis for such period.

"(E) In this paragraph—

"(i) the term 'emergency period' means the period that—

"(I) begins on the date the President declares a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

"(II) ends on the expiration of the 1-year period beginning on the date of the termination of the national emergency; and

"(ii) the term 'disaster period' means the 1-year period beginning on the date the President declares an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)."

(b) VIOLATIONS OF OTHER LAWS ENFORCED BY THE FEDERAL TRADE COMMISSION.—Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by adding at the end the following:

"(e)(1) If a person, partnership, or corporation is found, in an action under subsection (b), to have committed a violation involving an unfair or deceptive act or practice in an emergency period or a disaster period, and if the act or practice exploits popular reaction to the national emergency, major disaster, or emergency that is the basis for such period, the court, after awarding equitable relief (if any) under any other authority of the court, shall hold the person, partnership, or corporation liable for a civil penalty of not more than \$22,000 for each such violation.

"(2) In this subsection—

"(A) the term 'emergency period' means the period that—

"(i) begins on the date the President declares a national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

"(ii) ends on the expiration of the 1-year period beginning on the date of the termination of the national emergency; and

"(B) the term 'disaster period' means the 1-year period beginning on the date the President declares an emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from New York (Mr. TOWNS) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, September 11 brought this country face-to-face with what was once thought to be an unimaginable series of events. However, these cowardly acts of terrorism sparked in this country an unprecedented level of generosity, an outpouring of spirit, of patriotism, but also of dollars.

Immediately, from every corner of this country, charities were inundated with money, with food, with clothing. Hospitals saw long lines of people offering to donate blood. Here in this Capitol complex Members and wives and husbands and staff lined up to donate blood. Shelters for the injured and homeless sprang up out of office buildings, restaurants and small businesses. Financial donations alone exceeded \$1 billion.

If there is ever any silver lining in this national tragedy that this awful atrocity created upon the people of this land, it is this: We saw the incarnation of the American spirit again, the true strength of our country, the true, indeed, the blessed meaning of the United States of America.

But as with this and any disaster, there are unscrupulous people who will take advantage of that generosity. Unfortunately, this national emergency was no different. On the heels of the September 11 atrocities, we heard stories of scam telemarketers and scam charities trying to collect for "disaster relief" and crooks appearing to be affiliated with fire department fund-raising groups going door-to-door asking for funds. H.R. 2985 is aimed directly at these scam artists.

The American Spirit Fraud Prevention Act declares frauds during these times to be different. H.R. 2985 allows the Federal Trade Commission to increase civil penalties for unfair and deceptive acts or practices that exploit this Nation's reaction to a national emergency or a national disaster. With this bill, the FTC can collect up to \$22,000 in civil penalties for each and every violation. This will send a strong and unequivocal message to criminals hoping to prey on the kindness of strangers, "You will pay."

I want to thank the gentleman from Georgia (Mr. DEAL) and the gentleman from New Hampshire (Mr. BASS), the original sponsors of the American Spirit Fraud Prevention Act. This is an excellent bill. I strongly urge its passage. I hope those who would scam the generosity of Americans in this tragic time will pay attention tonight, because, if they do not, the FTC will see you in court.

Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as ranking member on this Subcommittee on Commerce, Trade and Consumer Protection, I am pleased to join the gentleman from

Florida (Chairman STEARNS), the chairman of the subcommittee, in cosponsoring H.R. 2985, the American Spirit Fraud Prevention Act. The Committee on Energy and Commerce has reported the bill to the House by voice vote and without any amendments.

Mr. Speaker, this legislation says to any con artist, do not even think about it, trying to capitalize on national emergencies or disasters. It will not be worth it.

For con artists that exploit popular reaction to a presidentially declared emergency or major disaster, this bill requires the Federal Trade Commission to double the maximum civil penalties from \$11,000 to \$22,000 per violation. The courts have said that each day the fraud occurs constitutes a separate violation subject to the full civil penalties. In other words, it says crime does not pay. At \$22,000 a day, it will be very costly for any scam artist to perpetrate frauds that exploit the tragedy of September 11 in New York City.

Fortunately, we have not seen a lot of fraud involving the horrific events of September 11. The FTC reports that it is investigating each and every complaint that is made. So far, no frauds have been identified by the FTC investigation, but let me tell you, those investigations are continuing.

Although there is no evidence yet of collections for phony charities or sales of gas masks or other products that do not perform as advertised, the best way to prevent fraud is to make sure it is well known that fraud simply will not be tolerated. Experience has shown that, given the opportunity, fraud will occur. This legislation makes clear that the price has just gone way up for taking advantage of people in a time of crisis.

Mr. Speaker, I urge my colleagues to vote for H.R. 2985, the American Spirit Fraud Prevention Act.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS), one of the two authors of the legislation.

Mr. BASS. Mr. Speaker, I thank the distinguished chairman of the committee for yielding me time.

Mr. Speaker, a little more than 2 months ago, America was visited by an unspeakable horror. For the first time in more than a century and a half, this Nation was attacked viciously on its own home territory.

In the weeks since September 11, the Nation has mourned, has expressed anger, has been anxious, concerned, but also very generous. The American spirit it has reached levels that now stands as a symbol of this Nation's greatness and ability to support a just cause, the relief of the victims of these tragedies and their families.

But we have also seen the darker side of humanity. Reports of people using this tragedy and the generous American spirit for their own gain have ap-

peared. The Department of Justice, the Federal Trade Commission and the States attorneys general have some powers to prosecute those engaged in fraud and deceptive practices, but we must make it clear that we will severely punish those who aim to take advantage of America's charity or an organization's good name during an emergency.

Congress must also make sure that consumers are not inundated with false and deceptive claims about goods and services that would exploit the circumstances of an emergency or disaster. Whether it is selling Cipro or other drugs under false information or offering fraudulent terrorist insurance, these practices must carry a penalty commensurate with their nature. We cannot let the detestable actions of so few mar the pride and patriotism we all share over the phenomenal generosity and outpouring of support from across America and the world. We cannot let the fear and anxiety of our citizens be preyed upon by scam artists peddling their cheats and swindles.

I have no doubt that the victims, their families and friends and all Americans are as humbled as I am with the response of this country. Now we need to ensure that those who would abuse this determined American spirit are equally staggered at our response.

The American Spirit Fraud Prevention Act would double the penalties the FTC could levy during times of presidentially declared emergencies and disasters if the offending action aimed to exploit the crisis. These times, sadly, occur more often than one might think, and the attempts to profit from them follow just as regularly. All hope of profit and gain must be removed from the equation of these people.

I just want to say that this effort would not have been possible without the support of the bill's coauthor, my friend, the gentleman from Georgia (Mr. DEAL); the gentleman from Louisiana (Chairman TAUZIN); the gentleman from Florida (Chairman STEARNS); the ranking member, the gentleman from New York (Mr. TOWNS); and the entire Committee on Energy and Commerce. I thank you all for your help with this, and I urge its prompt passage.

Mr. TOWNS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this legislation gives the FTC the power to protect the consumers. Quite often, when people are grieving, they become extremely vulnerable, and people will go in and take advantage of them. But this legislation says that the teeth are there now, and that the FTC can protect people that have these kinds of problems.

It is my understanding that we have not had a lot of this up to this point, but I think it would be foolish for us not to put the legislation in place to let people know that if you do it, you will be penalized and you will be penalized severely. I think this legislation does that.

I want to thank my colleagues on the other side, of course, the gentleman from Florida (Mr. STEARNS), and of course, the gentleman from Louisiana (Mr. TAUZIN), and all the others on the Democratic side for the support of this legislation; because coming from New York and knowing in terms of the kind of tragedies that we have had over the past few months, in terms of September 11, and then yesterday in terms of the crash in Queens, New York, we have had some tough times. I think that we need to make certain that the people do not go through a double kind of tough time by people coming in and defrauding them.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank my good friend, the gentleman from New York (Mr. TOWNS) for his statement and strong support of this legislation. More importantly, I thank him for his excellent cooperation on this and so many pieces of legislation that we have worked together on in the Committee on Energy and Commerce. You are indeed, sir, a great public servant. I want to thank you for that.

Let me also clarify something: This bill amends the FTC statutes to deal with fraud and scam artists. It does not affect the issue that was heard before our committee just recently on the question of what is being done with the funds raised by legitimate charities, such as the United Way and Red Cross. This does not deal with that. I do not want this bill confused with those good charities who do such good work around our country.

□ 2030

On the other hand, I want to use this opportunity to urge the American Red Cross, who I understand will be here tomorrow for a press conference on the issue raised at our hearings, I think just last week on the subject matter, I want to urge the American Red Cross to reconsider its position. Americans all over this land, in small towns and hamlets and in rural settings, rose to the call of the Red Cross to donate money to the victims and their families in New York and here in Washington and the families in Pennsylvania who suffered on September 11, and raised the unprecedented, I think, \$547 million for the Red Cross for that special purpose.

To divert those funds to some other purpose, I believe, in my humble opinion, would not be consistent with honoring the donations of these many millions of Americans to the families who suffered so horribly on September 11. Those donations were made not to the Red Cross, but through the Red Cross to those families. I think the more the Red Cross does, the more the United Way does and the other charities do to get that money to those families, the more the American public will appreciate it, and I think even be more generous to the Red Cross and the United

Way and other charities when they are called upon again to respond for whatever tragedies we may suffer, tornadoes or earthquake disasters this country may face in the future.

I understand the Red Cross may tomorrow simply say, if you do not like what we are doing with the money, call us and we will refund it. That is not a good answer. That is a terrible answer. Americans do not want a refund. They want the money they donated for those families to go to those families and they want the Red Cross and other charities to honor those donations.

So again as a friend of the Red Cross, as a supporter of the Red Cross, as a great supporter of the United Way, this Congress has always supported those institutions, I want to urge the Red Cross again to reconsider their position. Those monies were not donated for a reserve account, they were donated through you to the families who suffered on September 11. You ought to have the decency to make sure those families get that money as quickly as you can, because doggone it, that is what Americans intended when they sent that money into you in such record amounts.

Mr. DEAL of Georgia. Mr. Speaker, the tragic events of September 11, 2001 were a blow to this nation. The attacks showed we were vulnerable to an outside attack. As bad as these attacks were, they did showcase the spirit of America. We, as Americans, did not roll over, we came together and showed the world why this land is great.

One way many decided to help was through financial donations to any one of numerous charitable organizations to help those in need. As we have seen over the past several months, Americans have been very generous in their giving. The best of America has been on display. However, just underneath the surface of these kind souls, is a group of individuals that try to take advantage of tragic events and people's generosity.

There are people out there who try to scam money and say it is for relief efforts. They use the telephone and Internet in order to solicit donations. The problems lies in the fact that even though on the surface these solicitations seem legitimate, they are not. The money usually goes directly into the person's pocket and never is used to help those in need. For this reason, I am proud to have been able to work with the gentleman from New Hampshire on this bill. It is important to make the penalties for fraud during times of national emergency so high, no one will attempt such deeds. It is also important that we send a message to the American people that such frauds will not be tolerated and they can feel safe in the fact that anyone who perpetrates such crimes will be punished. Let the American spirit shine through and may we continue to help those in need.

Mr. TAUZIN. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FORBES). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 2985.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRAISING JOSEPH VINCENT PATERNO FOR HIS STEADFAST COMMITMENT TO ACADEMICS, SERVICE, AND CITIZENSHIP, AND CONGRATULATING HIM FOR HIS MANY COACHING ACCOMPLISHMENTS

Mr. ISAKSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 276) praising Joseph Vincent Paterno for his steadfast commitment to academics, service, and citizenship, and congratulating Joseph Vincent Paterno for his many coaching accomplishments, including his 324th career coaching victory.

The Clerk read as follows:

H. RES. 276

Whereas Joseph Vincent Paterno coached the Penn State Nittany Lions football team to a 29 to 27 victory over the Ohio State Buckeyes on October 27, 2001, at Beaver Stadium in Happy Valley with 108,327 patrons in attendance;

Whereas that victory was Joe Paterno's 324th career coaching victory, making him the winningest Division I-A football coach in NCAA history;

Whereas Joe Paterno launched what he termed "The Great Experiment" on February 19, 1966, upon being named the head football coach at the Pennsylvania State University (Penn State);

Whereas Joe Paterno defined "The Great Experiment" as a demonstration that Division I student-athletes can achieve greatness on the field while excelling in the classroom, and can become valuable assets to the community in their postgraduate endeavors;

Whereas Joe Paterno has nurtured 21 first-team Academic All-Americans, 14 Hall of Fame Scholar-Athletes, and 17 NCAA postgraduate scholarship winners;

Whereas from 1996 to 2000 Joe Paterno nurtured 69 Academic All-Big Ten football honorees, more than any other Big Ten Conference institution during that period;

Whereas according to the 2000 NCAA Graduation Rate Report, the 4-year graduation rate of Joe Paterno's Penn State players was 76.5 percent, significantly above the 48 percent national average;

Whereas Joe Paterno and his wife Sue have continually demonstrated their loyalty and commitment to Penn State through volunteer efforts and contributions, including a \$3,500,000 gift—the most generous gift ever given to a university by a coach and his family—for academic scholarships, faculty endowments, and campus construction projects;

Whereas immediately following his first national championship in January of 1983, Joe Paterno bypassed the customary acceptance speech and instead pressed the University's Board of Trustees to make Penn State number one in academics as well as athletics and began advocating for the libraries of Penn State;

Whereas Joe and Sue Paterno subsequently served as Co-Chairs of the Campaign for the Library which raised \$11,000,000 for an expansion effort that would double the size of the existing library at Penn State's University Park campus;

Whereas the Paternos' generosity and vision were recognized by the vote of Penn

State's Board of Trustees to name the new world-class library after the Paternos, and at the dedication of the Paterno Library at Penn State's University Park campus that occurred on September 8, 2000;

Whereas Joe Paterno has received countless awards for being a role model and mentor for his players, a community leader, and a humanitarian and philanthropist who exhibits and promotes the time-honored values of selflessness, equality, dignity, educational achievement, and community service;

Whereas Joe Paterno has accumulated all 324 of his coaching wins at Penn State, where he is currently in his 52d season as an assistant or head coach;

Whereas Joe Paterno has been on the coaching staff during more than half of all the football games played at Penn State since the football program began in 1887;

Whereas Joe Paterno's coaching career has spanned 11 United States Presidential administrations;

Whereas Joe Paterno led Penn State to 2 national championships, in 1982 and 1986;

Whereas Joe Paterno led Penn State to 5 perfect seasons, in 1968, 1969, 1973, 1986, and 1994;

Whereas Joe Paterno has won 20 bowl games at Penn State, an NCAA record;

Whereas Joe Paterno is the only coach to have won all 4 traditional New Year's Day Bowl games—the Rose, Sugar, Cotton, and Orange Bowls—as well as the Fiesta Bowl;

Whereas the American Football Coaches Association has named Joe Paterno the Coach of the Year an unprecedented 4 times, in 1968, 1978, 1982, and 1986;

Whereas Joe Paterno has coached 55 first-team All-Americans;

Whereas Joe and Sue Paterno are blessed with 5 children and 9 grandchildren;

Whereas Joe Paterno's traditional game-day attire of coat and tie, rolled pantleg cuffs, white socks, and black football shoes is recognized in sporting circles across the Nation;

Whereas Joe Paterno is affectionately known as "JoePa" to his extended Penn State family and to the rest of the football world; and

Whereas Joe Paterno received a touching retrospective from his high school mentor at the Brooklyn Preparatory School, the late Father Thomas Bermingham, who said: "The Father gave me the sense that I was being handed a treasure. Joe is a treasure." Now, therefore, be it

Resolved,

SECTION. 1. JOSEPH VINCENT PATERNO.

The House of Representatives—

(1) praises Joseph Vincent Paterno for his steadfast commitment to academics, service, and citizenship;

(2) congratulates Joseph Vincent Paterno for his many coaching accomplishments, including his 324th career coaching victory; and

(3) thanks Joseph Vincent Paterno for his contributions to college football, to the Commonwealth of Pennsylvania, and to the Nation.

SEC. 2. TRANSMITTAL.

The Clerk of the House of Representatives shall transmit a copy of this resolution to Joseph Vincent Paterno and to the President of the Pennsylvania State University.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. ISAKSON) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. ISAKSON).

GENERAL LEAVE

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 276.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am privileged to stand in this House tonight and commend the resolution to the gentleman from Pennsylvania, commending Coach Joe Paterno, the coach of the Nittany Lions at Penn State University, who, on October 27, in Happy Valley, Beaver Stadium, before 106,000 people, the Penn State Nittany Lions defeated the Ohio State Buckeyes by a score of 29 to 27. That victory, the 324th in the career of Joe Paterno, established him as the winningest coach in the history of NCAA Division I college football.

But for those who know Coach Paterno the best, this is but a small part of his legacy that he has left to American athletics and American academics. When Coach Paterno was hired in February of 1966 to become the head coach of the Nittany Lions, he pronounced that he was going to attempt what he called "The Great Experiment." He believed it was possible to establish excellence in university athletics and in collegiate athletics while, at the same time, having academic excellence and excellence in community service.

In the 35 years since his being hired as head coach of Penn State University, he has done exactly that: two national championships; four times Coach of the Year in the NCAA, unprecedented. A tremendous number of All-Americans who were academic All-Americans; NCAA postgraduate fellows, and the litany goes on and on. He, his wife, together, in one event, contributed \$3.5 million to Penn State University for academic excellence and the pursuit of better academics for that great university. He is steadfast in his promotion of and giving to the library at Penn State University.

Coach Paterno's success on the athletic field as a coach is unprecedented in our country. His example as a role model to all of those that lead student athletes is equally unprecedented.

Coach Paterno was recruited at Brown University to be a quarterback, one of the few colleges in America to recruit this gentleman. In one of his great seasons at Brown University, he finished a record of eight wins and one loss. Following their last victory in that season, proclaiming his excellence, a sports writer wrote, "Paterno is indeed unusual. He can't pass. He can't run. He just thinks and wins."

Coach Joe Paterno thought enough of America's youth and the power of athletics to join in together with the power of academics and learning, to produce the highest ratio of student

athletes graduating from their institution of any university in Division I in the NCAA. I am pleased, Mr. Speaker, to be a part of this commendation today to Joseph Vincent Paterno, the head coach of Penn State University, the winningest coach in Division I NCAA history.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

I, too, rise in support of H.Res. 276, praising Joseph Vincent Paterno for his steadfast commitment to academics, service, and citizenship, and congratulating Joe Vincent Paterno for his many coaching accomplishments, including his 324th career coaching victory.

During this time of tribulation and trial and uncertainty and terrorism, accidental plane crashes, it is a pleasure to be able to stand up to praise a great American person that exemplifies what America is all about, a man who stands for commitment, stands for the mind, the body, and the spirit.

Joe Paterno is one of the greatest coaches of all times. As has been indicated, he served for 16 years as an assistant coach with Penn State University after playing at Brown and then went on to coach for a total of 51 years. He has been head coach since 1966.

We have heard of his accomplishments. He led the team to 19 bowl victories, more than any other person in his profession. He is the only coach to win four New Year's Day bowl games: the Rose Bowl, the Sugar Bowl, the Cotton Bowl, the Orange Bowl. He also won the Fiesta Bowl. He had five perfect seasons. He had seven undefeated regular seasons. Twenty of his teams that he coached finished in the top 10. Twenty-six of his teams finished in the top 20, and 26 times his team was rated the best in the East.

He went on to break the record of Pop Warner with his 322nd, and then on to beat Bear Bryant with his 323rd, and finally, to have the record with his 324th victory.

He has been selected to the National Football Foundation and Coaches Football Hall of Fame as the first active coach ever to receive its Distinguished Americans Award. He has won Coach of the Year honors an unprecedented four times with balloting from his colleagues, an award that is given by one's peers. Paterno sent more than 200 players to the National Football League, two of whom, his linebackers, Jack Ham and fullback Franco Harris, have been enshrined into the Pro Football Hall of Fame. As a matter of fact, Joe Paterno changed football, finding out that if you have a good quarterback, one good running back, but a host of good linebackers, you can become the national champs.

As a matter of fact, many of his outstanding linebackers came from our State of New Jersey. One reason that Rutgers has not done well and that Penn State has is that Joe Paterno

learned that the best football players in the country, especially defensive linebackers that he wanted to highlight, lived in New Jersey. So Joe Paterno would come to the Newark Boys and Girls Clubs Annual Banquet where the all-state team was unfolded by New Jersey's only major paper, the Newark Star Ledger. Joe Paterno would always speak at that dinner and end up with commitments from half of New Jersey's top ball players.

So we certainly appreciate Joe Paterno and what he has meant to New Jersey. I have been in his company on a number of occasions at some of those dinners 10, 15, 20 years ago. One of my local fellows graduated from Seton Hall Prep School; Chet Parlavecchio was one of those linebackers that Joe Paterno took to Penn State. Chet became the cocaptain of the football team and became one of the outstanding players.

As has been indicated, Joe Paterno did not only mold good outstanding ball players, he also was well respected and one of the most admired figures in college athletics because he also had a commitment to academics. This is what Joe Paterno said: "The players who have been most important to the success of Penn State teams have just naturally kept their priorities straight. Football a high second, but academics an undisputed first." That is what Joe called "The Great Experiment," to prove that athletes could also be good students. He changed the image of what an athlete could be.

He is highly recognized for his support of scholarships, as we have heard, \$3.5 million that he has contributed to Penn State academics areas. Penn State has produced at least one first team All-American in 30 years in academics. They have graduated over 68 percent of their entering class teams and have had 80 percent of men going to the school for 4 years. Penn State has had 20 first-team academic All-Americans, 14 Hall of Fame scholar athletes, and 16 NCAA postgraduate scholarship winners. He has really done a great job. He is the recipient of three honorary degrees, one from his alma mater, a Doctor of Laws from Brown, a Doctor of Human Letters from Gettysburg College, and a Doctor of Laws from Allegheny College.

So it is a pleasure for us to change the focus here this evening, but to pay tribute to a great American, a person, as I have indicated, that I have been proud to know, a person that I respect as a former high school football coach and track coach back at South Side High School. When I was a teacher, I could really appreciate the combination between athletics and sports. So he is really what we call the real stuff. He is really what makes America great, and I ask my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. ISAKSON. Mr. Speaker, I am pleased to yield such time as he may

consume to the distinguished gentleman from Pennsylvania (Mr. PETERSON), the author of this legislation.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time.

It is a delight and a privilege tonight to stand here and honor one of America's greatest, my friend, and my colleagues' friend, Mr. Joe Paterno. Mr. Speaker, H.Res. 276, we had hoped to make it H.Res. 324 to honor his 324 victories, but the bureaucracy would not let us do that. But I am pleased to report that this resolution is sponsored by the entire Pennsylvania delegation. They were excited to do that.

□ 2045

If Members had ever had the chance to sit down, meet, and talk with Joe Paterno, it was quickly obvious why he is so successful. I remember vividly one time I sat in his office, expecting to spend 5 or 10 minutes with him, and I was there most of an hour. He oozes enthusiasm. He is real. He is genuine. We talked football, we talked education, and we talked a little politics.

Mr. Speaker, Joe Paterno set the standard that education comes first, then athletics, a priority that all coaches should follow. Joe Paterno coached Penn State's Nittany Lions football team to a 29-to-27 victory over the Ohio State Buckeyes on October 27, 2001, at Beaver Stadium in Happy Valley with over 108,000 patrons in attendance. That victory was Joe Paterno's 324th career coaching victory, making him the winningest Division I-A football coach in NCAA history.

But Joe Paterno was much more than a college football coach, Mr. Speaker, as is shown by this resolution's referral to the Committee on Education and the Workforce, that says a lot.

After being named head football coach, he launched what he termed "The Great Experiment," and the gentleman from Georgia (Mr. ISAKSON) shared that with us. Mr. Paterno's experiment is succeeding in spades. He nurtured 21 first-time Academic All-Americans, 14 Hall of Fame scholar-athletes, and 17 NCAA postgraduate scholarship winners.

From 1996 to 2000, he nurtured nine Academic All-Big-Ten football honorees, more than any other Big Ten Conference institutions during that period.

According to the 2000 NCAA Graduation Rate Report, the 4-year graduation rate of Joe Paterno's Penn State players was 76.5 percent, more than 50 percent above the 48 percent national average.

Mr. Speaker, Coach Paterno's contributions did not end there. He and his wife, Sue, have been so unselfish with their time and their resources over the years. Joe and Sue have continually demonstrated their loyalty and commitment to Penn State through volunteer efforts and contributions, including a \$3.5 million gift, the most generous gift ever given to a university by

a coach and his family, for academic scholarships, faculty endowments, and campus construction projects.

Immediately following his first national championship in January of 1983, Joe Paterno bypassed the customary acceptance speech and instead pressed the university's board of trustees to make Penn State number one in academics as well as athletics, and began advocating for the libraries of Penn State.

Joe and Sue Paterno then served as cochair of the campaign for the library, which raised \$11 million for an expansion effort that would double the size of the existing library at Penn State's University Park campus.

The Paternos' generosity and vision were recognized by vote of Penn State's board of trustees to name the new world-class library after the Paternos, and at the dedication of the Paterno Library of Penn State's University Park campus, that occurred on September 8, 2000.

Furthermore, Mr. Speaker, Joe Paterno has received countless awards for being a role model and mentor for his players, a community leader, a humanitarian, and a philanthropist who exhibits and promotes the time-honored values of selflessness, equality, dignity, educational achievement, and community service.

On the field, Joe is in a class by himself. He has accumulated all 324 of his coaching wins, now 325, where he is currently in his 52nd season as head coach. He has been on the coaching staff during more than half of all of the football games played at Penn State since the football program began in 1887, over half.

He has led Penn State to two national championships, in 1982 and 1986. He led them to five perfect seasons, in 1968, 1969, 1973, 1986, and 1994.

He has won 20 bowl games at Penn State, an NCAA record. He is the only coach to have won all four traditional New Year's Day bowl games, and the Fiesta Bowl.

I clearly remember on many occasions, and even recently, when he did not allow one or more of his star players to play in a bowl game. It was more important that they kept the rules than for him to win the bowl game, a message that I think will be felt by those young men and appreciated the rest of their lives.

The American Football Coaches Association has named Joe Paterno the Coach of the Year four times, in 1968, 1978, 1982, and 1986.

Mr. Speaker, JoePa, as he is affectionately known to his extended Penn State family and to the rest of the football world, has coached 55 first-team All-Americans.

In conclusion, I would like to read the closing of this resolution, as well as relay a touching quotation which sums up Joe Paterno best.

First, the resolution reads, "The U.S. House of Representatives praises Joseph Vincent Paterno for his steadfast

commitment to academics, service, and citizenship;

And congratulates Joseph Vincent Paterno for his many coaching accomplishments, including his 324th career victory;

And thanks Joseph Vincent Paterno for his contributions to college football, to the Commonwealth of Pennsylvania, and to the Nation.

Finally, Mr. Speaker, Joe received a touching retrospective from his high school mentor at the Brooklyn Prep School, the late Father Thomas Bermingham, who said, "The Father gave me the sense that I was being handed a treasure."

Yes, Joe is a treasure, our treasure.

Joe, we are so proud of your accomplishments and for the privilege to honor you tonight.

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has been said that Joe Paterno has few peers. That is an accurate statement. We are very fortunate to have in this House one of those peers, the former coach of the Nebraska Cornhuskers, the gentleman from Nebraska (Mr. OSBORNE).

Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I, too, rise to recognize Joe Paterno. Joe's records have been well documented with the tremendous career that he has had with over 52 years at Penn State.

I would like to speak to the issue more as a friend. I have known Joe for roughly 25 years. We have been together often, both professionally and on social occasions. Our teams played against each other on five different occasions. So I have gotten to know him pretty well.

I guess what I would like to focus on are some things about Joe that I have really appreciated as a fellow coach.

First of all, there is the issue of longevity. Fifty-two years at one school is unheard of. I do not know of any other coach, even Amos Alonzo Stagg, who has done anything to approximate that number of years, 36 years as a head coach. There is a lot of wear and tear in 52 years of coaching and in 36 years as a head coach. The local folks know you best, so being at one school for 52 years is very similar to being elected to public office 52 straight years, because that is kind of what goes on in the coaching profession.

So he has been a survivor, he has been a great competitor over a long period of time.

Secondly, Joe cared about his players. I think that is probably the greatest compliment that you can pay a coach, because at its worst, coaching can be manipulative, at its best it can be nurturing. Joe was somebody who genuinely cared about the well-being of his players beyond the playing field.

We have talked at some length about graduation rates. There have been a lot

of different figures thrown out here to-night. I do not know exactly what the figure is, but obviously he put academics first. If a player did not go to class, he did not get to play, and his academic record was tremendous.

He always was very interested in decorum and discipline. His players always wore coats and ties when they went on the road. I do not believe that he ever had a team that I can remember that countenanced any kind of trash talking or insubordinate behavior on the playing field. I always appreciated that when we played against him.

Then I guess also I would mention that Joe cared about the game of football. In the off season, it is easy to take some time off, but Joe always went to the NCAA meetings and went to the coaches' meetings. He was very instrumental in accomplishing some NCAA legislation that was really critical to college football, and of course the fact that he was recognized four times as Coach of the Year by his peers would indicate how much coaches esteemed Joe and appreciated his work.

Lastly, I would just say that he is a quality person, fun to be around, with a good sense of humor, and a good family man. He and Sue had five children, three grandchildren. His generosity has been mentioned many times.

In conclusion, I would just like to congratulate Joe, not only for achieving a great milestone, but more importantly, I would like to congratulate him for the way in which he accomplished this milestone. We appreciate him very much.

Mr. ISAKSON. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I also want to commend the gentleman from Pennsylvania (Mr. PETERSON) for House Resolution 276. But I have to admit I have goosebumps following the great gentleman from Nebraska (Mr. OSBORNE) to talk about one of my heroes.

I rise tonight to honor the achievements of a Pennsylvania icon, Joseph Vincent Paterno. Coach Paterno, or JoePa, as he is affectionately known, became part of the Penn State football family in 1950 as an assistant coach. In 1966 he was promoted to the position of head coach, a title he has held for 35 years and counting.

His success at Penn State is unparalleled: 325 career victories, 20 victories in bowl games, two national championships, four-time Coach of the Year, and six undefeated seasons.

While Joe Paterno has unquestionably set the standard of excellence on the football field, it is his accomplishments off the field that truly make him a cut above the rest.

Among the hundreds and thousands of Penn State players Joe Paterno has coached are an astounding 21 first-team Academic All-Americans. Penn

State football players concentrate on academics first and football second. The proof of this is that while the average graduation rate for NCAA college football schools is 48 percent, Penn State players have a remarkable 4-year graduation rate of 76.5 percent.

Joe Paterno does more than coach football. He is a mentor, a teacher, a friend, and an inspiration to all those that he has touched. Coach Paterno's influence and work have extended far beyond the football field. His service to the community of State College and the Pennsylvania State University System is unmatched.

From an unprecedented gift of \$3.5 million to Penn State University in 1997 to his chairmanship of the \$11 million campaign to expand Penn State's library, Joe Paterno has made education and community development his top priority.

To honor JoePa's devotion to excellence in education, the Penn State Board of Trustees voted to name a wing of the library in his honor.

I congratulate Coach Paterno on the landmark record of 324 career victories, and thank him for all he has done for Pennsylvania, and best wishes for 324 more.

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to Mr. Joe Paterno, Head Coach for the Penn State Nittany Lions. Coach Paterno just celebrated his 324th career football victory and continues a steadfast commitment to coaching, community service and education. The 2001 football season has undoubtedly been a remarkable and memorable time for Mr. Paterno and all Penn State fans and alumni.

On October 27, 2001, Coach Paterno rallied the Nittany Lions to a 29–27 victory over the Ohio State Buckeyes. This memorable triumph marked Coach Paterno's 324th career coaching victory, making him the winningest Division I–A football coach in NCAA history, a record which will, beyond question, stand for some years to come. That victory surpassed the former record of 323 wins held by the legendary Paul "Bear" Bryant. Amazingly, all 324 wins were recorded at Penn State, where Paterno is currently in his fifty-second season as a coach.

Over the years, Coach Paterno's career has far exceeded that of any other collegiate coach. He led teams to nineteen bowl victories, more than anyone in his profession. He became the only coach to win four New Year's Day games—the Rose, Sugar, Cotton and Orange Bowls. He captured national championships in 1982 and 1986 and had teams finish undefeated, but uncrowned, in 1968, 1969, 1973 and 1994. A few of Coach Paterno's honors include winning the Coach of the Year Award an unprecedented four times in balloting by the American Football Coaches Association. He was selected by the National Football Foundation and College Football Hall of Fame as the first active coach ever to receive its "Distinguished American Award" and appeared on the cover of Sports Illustrated as its 1986 Sportsman of the Year.

While holding these prestigious records and awards is certainly an honor for Coach Paterno, it is just one facet of his many accomplishments and commitments throughout

the years. Coach Paterno and his wife, Sue, have continually shown their loyalty and commitment to education through their generous contributions and volunteer efforts. The Paterno's have donated more than \$3.5 million for academic scholarships, faculty endowments and campus construction projects. This is the most money ever donated to a university by a coach and his family. The Paterno's served as Co-Chairs of the Campaign for the Library, which raised \$11 million for an expansion effort that would double the size of the existing library at Penn State's University Park campus.

Mr. Speaker, it is with great pleasure that I commend and congratulate a fellow Pennsylvanian, Coach Joe Paterno, for his many coaching accomplishments, including his 324th career coaching victory, and thank him and his family for their contributions to the community, nation and college football. I am certain Coach Paterno will continue to be a community leader, a philanthropist and most of all, a role model and mentor to many. Thank you JoPa.

Mr. DOYLE. Mr. Speaker, as a proud graduate of the Penn State Class of 1975 and as the only current Democratic Member of Congress to have graduated from Pennsylvania State University, it gives me great pleasure to honor a great institution of Pennsylvania and college football, Coach Joseph Paterno. As an original cosponsor of this legislation, want to extend my heartfelt appreciation and admiration for JoPa's achievements in athletics and academics.

Today, we are considering House Resolution 276, praising Joseph Paterno for his steadfast commitment to academics, service, and citizenship. Additionally, Coach Paterno has managed to win 324 college football games during his tenure in Happy Valley, surpassing football legends like Paul "Bear" Bryant and Pop Warner.

On the way to achieving this unprecedented milestone, JoPa has led the Nittany Lions to 19 bowl victories, more than any other Division I–A football coach in history, and was selected by the National Football Foundation and the College Football Hall of Fame to receive the prestigious "Distinguished American" Award, becoming the first active football coach ever to receive the award.

During his acceptance speech at the 1991 Hall of Fame induction, Coach Paterno said: "What are coaches? Number one, we're teachers and we're educators . . . we probably have more influence over our young people than anyone other than families."

We could laud Coach Paterno all day on his outstanding achievements on the football field, and deservingly so, but JoPa always stressed academic success and dedication to community to all his players. He has insisted upon a "total person" approach towards cultivating his players, encouraging and developing responsibilities to academics and personal lifestyle in addition to athletic ability.

The Paterno approach not only produces winning collegiate football teams, but also develops educated, well-rounded and successful college graduates. The Grant Experiment of Coach Paterno has produced 20 first-team Academic All-Americans, 14 Hall of Fame Scholar-Athletes, and 16 NCAA postgraduate scholarship winners. The Penn State football team has a 68 percent graduation rate . . . well above the national norm 50 percent. The

four-year average rate for the team was 74 percent.

Indeed, Paterno said, "The purpose of college football is to serve education, not the other way around."

Joe and Sue Paterno have given much of their lives to college football during Joe's 51 year career at my alma mater, and in 1997, announced their intention to give \$3.5 million dollars to endow new faculty positions and scholarships, thus continuing their commitment to academic success. As part of this endowment, special new construction projects are being undertaken, including the Pasquerilla Spiritual Center, a new interfaith chapel as well as an all sports museum to be built on campus.

Coach Paterno once said "A great library is the hear of a great university." He and his wife established the Paterno Libraries endowment in 1984, growing the fund to over \$4 million dollars. The Paternos have ensured greatness for library facilities and academics at Penn State by serving as co-chairs of the campaign to expand the Pattee Library. Their efforts helped raise \$14 million to expand the library, including a personal contribution of \$250,000. The expansion doubled the size of the library, and the University dedicated the new wing in September of last year, aptly naming the new expansion the Paterno Library.

In conclusion Mr. Speaker, I sincerely hope the Members of the House of Representatives will join me in recognizing the contributions Coach Paterno has given to America, not just as successful football coach, but as an example of loyalty, dedication, and commitment to improving oneself in life. I salute JoPa, and wish him the very best of luck.

Mr. WOLF. Mr. Speaker, I rise today in support of H. Res. 276, to honor Joe Paterno for his commitment to academics, service and citizenship and to congratulate Penn State Coach Paterno for his many coaching accomplishments including his 324th career coaching victory.

I thank my colleague, Congressman JOHN PETERSON, who represents the 5th District of Pennsylvania which includes my alma mater, The Pennsylvania State University, for sponsoring this resolution.

This resolution is a fitting tribute to one of the giants of American college football. It acknowledges the accomplishments of Joe Paterno on the football field as the winning major college football coach in history. He surpassed the former record of 323 wins held by the legendary Paul "Bear" Bryant when the Nittany Lions came from behind to defeat Big Ten rival Ohio State by a score of 29–27 on October 27.

What makes the record so special, especially for Penn State alumni and fans, is that all those wins have come as Coach Paterno paced the sidelines as head coach for Penn State, where he has spent his entire coaching career.

This resolution also recognizes Joe Paterno for being a mentor and role model for his players. When he launched "The Great Experiment" upon taking the helm in 1966 as head football coach at Penn State, he wanted to demonstrate that Division I college student-athletes could achieve greatness on the football field while also excelling in the classroom and becoming valuable assets to their communities after receiving their degrees and leaving the gridiron.

There can be no doubt that "The Great Experiment" has been successful. Joe's teams have twice been national champions. They have had five perfect seasons. They hold the NCAA record for post-season bowl wins at 20. Joe is the only coach to have won all four traditional New Year's Day bowl games—the Rose, Sugar, Cotton and Orange—as well as the Fiesta Bowl. Joe has been named "Coach of the Year" by the American Football Coaches Association an unprecedented four times. He's coached 55 first-team football All-Americans.

As significant as all those records and accolades are, there are other statistics in Coach Paterno's coaching career to which I believe he would give greater import. That's the value of "The Great Experiment" at Penn State which Joe Paterno places on the student side of student-athlete.

He has coached 21 first-term Academic All-Americans; 14 Hall of Fame Scholar-Athletes; and 17 NCAA postgraduate scholarship winners. In addition, between 1996 and 2000 under Joe's tutelage, Penn State had 69 Academic All-Big Ten football honorees, more than any other Big Ten Conference institution during those years. Joe takes great pride in the number of young men in his football program who receives their degrees from Penn State, and in the 2000 NCAA Graduation Rate Report, the four-year graduation rate of Coach Paterno's players was over 76 percent. The national average is 48 percent.

In 1983 shortly after his first national championship, he challenged Penn State's Board of Trustees to make the University number one in academics as well as athletics and began his crusade for the libraries at Penn State. With his wife Sue, Joe served as co-chair of the Campaign for the Library which raised \$11 million to expand and double the size of the existing library on Penn State's University Park campus. In a fitting tribute to Joe and Sue, the new world-class facility dedicated last September bears the name Paterno Library.

Joe and Sue Paterno are generous in their tireless work and commitment to Penn State, not only through their volunteer efforts, but through their financial contributions. Their \$3.5 million gift to Penn State for academic scholarships, faculty endowments and campus building projects is the most generous ever given to a university by a coach and his family.

Joe Paterno is one of those rare and wonderful individuals whose life is grounded in the highest of values, integrity, and service and who is true to his God, his family and his fellow man. Penn State and the Commonwealth of Pennsylvania have been blessed with his presence and now it is fitting that the people's House recognize his commitment to academics, service and citizenship and congratulate and thank him for his contributions to college football and to the nation.

We salute Coach Paterno, his wife Sue and his family, all the teams he has lead over the years to victory and all the young men who have not only learned how to play football under his tutelage, but who have learned life lessons from one of the best teachers they could ever have.

Mr. ISAKSON. Mr. Speaker, I ask Members to adopt the resolution.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FORBES). The question is on the motion

offered by the gentleman from Georgia (Mr. ISAKSON) that the House suspend the rules and agree to the resolution, H. Res. 276.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT SCHOOLS SHOULD SET ASIDE TIME TO ALLOW CHILDREN TO PRAY FOR, OR QUIETLY REFLECT ON BEHALF OF THE NATION DURING THIS TIME OF STRUGGLE

Mr. ISAKSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 239) expressing the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism.

The Clerk read as follows:

H. CON. RES. 239

Whereas section 4 of title 4, United States Code, establishes the Pledge of Allegiance to the Flag and describes such Pledge as including the phrase "one Nation under God, indivisible, with liberty and justice for all";

Whereas in 1954 President Dwight D. Eisenhower, referring to the reference to God in the Pledge of Allegiance to the Flag, said that the Nation had reaffirmed "the transcendence of religious faith in America's heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war"; and

Whereas President George W. Bush has asked the people of the United States to pray for those who suffered as a result of the atrocities committed against the United States on September 11, 2001: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. ISAKSON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. ISAKSON).

GENERAL LEAVE

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 239.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution encourages and does not require the schools of

America to set aside a sufficient period of time for children in America to pray for or reflect on our Nation in this time of battle and tribulation because of the terrorist acts.

Mr. Speaker, I am confident that there will be those who express concern that prayer and schools might be mentioned in the same resolution, but at the outset of this debate it should be quite clear that this is clearly an option and not a mandate.

A lot of things have become quite clear in the United States of America since September 11. It has become politically correct to sing God Bless America rather than fight songs at athletic events. All of us have reflected passionately and quietly and, many times, sadly on the blessings we have individually received and the blessings of this Nation. But we should be vigilant, even in the most terrible trying times possible, to recognize and preserve the constitutional freedoms that make this country great.

Our Constitution prohibits us in this government from establishing religion, but it preserves forever the right of Americans to practice their religion.

□ 2100

Mr. Speaker, there have been many great enemies to the citizens of America in our history. From 1950 through the early 1990s the Soviet Union was one. That was a government that believed that prayer and religion should be nonexistent, and it was basically a cornerstone of that nation. They built an Iron Curtain in Eastern Europe. They preserved themselves for 40 years or a little over, but eventually they died.

On the other extreme there is America's enemy today, the Taliban, that not only establish a religion but force its practice, and only its practice, with the most horrible of retribution to anybody that thinks or meditates differently.

Mr. Speaker, the gentleman from North Carolina (Mr. JONES) has brought to this House a resolution which falls clearly in between those two extremes and precisely why the United States of America was founded in the first place. The gentleman from North Carolina (Mr. JONES) has asked and is asking this house to adopt a resolution that says to our schools, it is appropriate if you choose to establish a period of time, if you will, for those who would pray for our Nation in this time of trouble, to do so in the way they see fit, voluntarily, and for others to reflect on this Nation in our time of peril and distress.

It mandates nothing. It requires nothing. But it recognizes as the motto above the chair of the Speaker which states that in the America we founded, we place the trust in our people, that they could freely worship in the way they saw fit, pay tribute to the God of their choice, and enjoy living in a nation where they had sufficient time to practice their faith their way.

Mr. Speaker, I encourage the Members of this House to adopt this concurrent resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while no one can quarrel with what the supporters of this resolution suggest they want, and that is for reflection and time for children to consider what is going on in this country, once we suggest that the school is going to set aside time for the children to pray or reflect quietly, it does not say that they shall pray quietly, it does not say they shall pray silently, I believe we are now treading into the question of the school setting the content of that prayer.

There is nothing today that prevents schoolchildren from praying voluntarily at their own time on behalf of this Nation or people in harm or the victims of terrorism; but what we should not do is, we should not have the school dictating that should take place at an appointed time and place.

If the schools want to have a moment of silence, the child may then pick that moment of silence to reflect in any manner or pray in any manner that they want, but this resolution goes beyond that. I am afraid that this resolution is really about, once again, trying to introduce some form of content or prayer into the schools under the guise of the tragedies of September 11 and the events that have occurred since then. We should really not do that.

We should really understand that we are very clear about the rights of children to pray in school. If the student groups meet on student property, then religious groups have an equal right to meet on school property and to pray; and the courts have protected students' individual rights to pray in a non-disruptive manner and have approved attempts by school districts to accommodate students in this resolution.

But this resolution is different than that, because while it is voluntary from the Congress and it is voluntary for the school to do it, but once the school sets aside time to pray for the country in that manner, then I believe they have crossed the line.

I wish that we would understand that we have every right to call for people to reflect and to pray in the interest in this country; and they will or they will not. Hopefully they have, and millions and millions of Americans and their children and their families have made that decision to pray in their places of worship, to pray around the dinner table, to pray in their homes before they go to sleep at night or when they first wake up in the morning or whatever suits them. I hope that that would continue.

But I think that this resolution is mistaken. And I think that this resolution is ill-considered and I would hope that the Congress would not pass it.

Mr. Speaker, I reserve the balance of my time.

Mr. ISAKSON. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I rise in very strong support of H. Con. Res. 239, a timely and very necessary call for prayer and/or spiritual reflection during this time of extreme challenge.

Mr. Speaker, as the father of four, I know that kids have vexing questions and myriad doubts and concerns over the recent spate of horrific terrorist acts. In the minds of many of our young people and in the minds of the old alike, cruelty, mass murder, terrorism defy easy answers. It seems to me that prayer or spiritual reflection in all venues, not just in the church, not just at home, but in all venues, including school, fosters healing and fosters reconciliation.

The why of it, the questions concerning the essence of good and evil defy simply logic. To understand the depravity of September 11 requires all of us to look deeply at the hearts and at matters spiritual.

The gentleman from North Carolina's (Mr. JONES) modest call for prayer or, and I emphasize the word "or," quiet reflection is a positive, constructive, liberating and very necessary thing. Our young people need encouragement to pray and they need encouragement to reflect.

Frankly, I find it bewildering and disappointing that this modest proposal should engender any opposition at all. There is nothing dangerous or risky about encouraging and even admonishing children to pray and to reflect. The gentleman from North Carolina (Mr. JONES) does not prescribe any specific prayer, nor is there anything in this resolution concerning specific content.

I would hope that our children would be inspired not only to pray, but to pray for wisdom and understanding and strength, and also to pray for the victims and their families and their friends. There are a lot of hurting people out there. They need prayer. And I think we should encourage our kids to pray.

I would hope America's young people would pray for reconciliations among people of disparate and often conflicting perspectives, and to pray for justice for those who perpetrate these crimes and cruelty.

Mr. Speaker, prayer and spiritual reflection are as necessary as food and oxygen, and without it, our kids are deprived of the most essential element in building character. This is an excellent resolution and I hope we get a unanimous vote.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we find ourselves in the wake of September 11 and we are using the tragedy to pass controversial legislation. It is not the first time, of

course. Just a few days ago we repealed the alternative minimum tax, a tax on corporations who have loopholes and deductions and were paying no tax at all. We had an alternative minimum tax for them to pay, and under the name of economic stimulus, this House voted to repeal that tax.

In the name of airline security in the wake of September 11, we had a bill that included tort reform that had been defeated year after year. In the name of antiterrorist crime legislation, we had wiretap authority that applied to cases that had nothing to do with terrorism, in fact, in some cases had nothing to do with any alleged crime. And we passed excessive wiretap authority in the wake of September 11.

Now we are using September 11 to try to pass prayer in public school. The last time we had hearings on the issue of prayer in public school, we had deliberations, subcommittee and committee, and when it came to the floor, it was defeated. It was defeated because we know that children can already pray in public school today. They have that option. They do not need the bill. They can pray. If the teacher passes out a math test, they can pray. Before the meal, they can say grace. That is okay. That is allowed today.

What we cannot do is instruct the children to pray whether they want to or not. This resolution not only tells them to pray, but tells them what to pray for, and reserves, according to the resolution, a sufficient period of time during the day for prayer or quiet reflection, whatever that sufficient period of time during the day means. I mean, some religions require prayers several times a day. Some religions have prayers that are relatively long, others relatively short. I do not know who decides.

I received a letter today from Reverend Barry Lynn, the Executive Director of Americans United, who said in his letter, "Students already have an individual right to pray voluntarily in school as long as they are not disruptive. This resolution, however, is a radical departure from constitutional standards because it calls for a mandatory time of classroom prayer on a specific topic. This resolution instructs children specifically what to pray for. Under our constitutional separation of church and state, it is the job of parents and clergy, not the government, to tell children when to pray, how to pray and what to pray for."

He cites Justice Anthony Kennedy who explained in *Lee v. Weisman*, a 1992 case, "The First Amendment's religious clauses mean that religious beliefs and religious expression are too precious to either be proscribed or prescribed by the state."

Mr. Speaker, because we know that children can already pray and because this resolution has not gone through the regular process, it encourages school districts to violate the Constitution. It is ambiguous, and it uses the September 11 tragedy as an excuse to

pass legislation which has failed in the past when subjected to the regular process.

I would urge my colleagues to defeat this resolution.

Mr. ISAKSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. JONES), the author of this resolution.

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let me say to my liberal friends on the other side, we very seldom agree, but I respect you. I always have and I always will. On this subject, I am a little bit disappointed. It is not a nonbinding resolution.

We come on this floor every day and we pray. And all we are saying to children who are hurting badly because of September 11, because of evil people who have come to this country and killed their fellow Americans, all we are saying to fifth graders, sixth graders, seventh graders, that we as a Congress encourage.

This Nation was founded on Judeo-Christian principles. Whether people like it or not, before Madelyn Murray, they prayed in the schools. If you look at recent rulings that I am going to make reference to in just a moment on a Virginia case, it is coming back whether we like it or not.

In a country that respects different religions, whether you are Muslim, whether you are Catholic, whether you are a Jew, whether you are Protestant, we cannot pass a nonbinding resolution to say we as a Congress, who pray every day, are saying to the children of America in a nonbinding way that America needs your prayers. Whether you are young, whether you are old, America is hurting and hurting badly.

Mr. Speaker, I go back to my district like everybody on that side and on this side and I go into the school rooms and I listen to the children. At times, like my good friends on the other side who oppose this nonbinding resolution, I listen to the children. Whether they are in the high school, the elementary school or the middle school, they are constantly asking what is happening. The terrorists, where are they in this country? What will happen next? And for this body to be able to say to the young people, we are not telling you that you must reflect, we are not telling you that you must pray, but we as a Congress pray.

The President of the United States has asked that we pray. The governors of the States, both liberal and conservative, have asked that we pray. And to have this resolution on the floor just to show support and encouragement to the children of America to reflect or pray, I just respect, again, but I do not understand the opposition to this, but I respect it because that is what makes America great, that we can disagree. I do respect that.

□ 2115

I also want to read, if I might, just a moment from the Washington Post,

says Virginia minute of silence survives test in high court. Fourth circuit ruling allowed to stand without comment. Virginia's requirement that public school children start their day with a minute of silence passed constitutional muster yesterday when U.S. Supreme Court let stand a lower court ruling that the law does not violate the First Amendment. The law, which took effect last year, requires that all students observe a minute of quiet during which they may meditate, pray or engage in other silent activity.

The law has been challenged by seven Virginia families backed by the volunteer lawyers from the American Civil Liberties Union. They argue that including prayer among the approved activities violated the constitutional ban on State-sponsored religion and conflicted with a 1985 ruling in an Alabama case that struck down a moment of silent law that also included prayer.

The ACLU argument was rejected at every court level, and public schools have been observing the moment of silence since July of the year 2000.

Let me say to the gentleman from California (Mr. GEORGE MILLER), with whom I have served on the Committee on Resources and have great respect for his intellectual ability, as well as the other gentleman that has spoken, this is from a news article. It has got firemen around a flag, a moment of silence at ground zero. A moment of silent at ground zero.

It says: Students pray at school events, this is 2 weeks ago, despite restrictions. Search for spiritual solace continues. God has made a comeback at the Nation's public schools as students and educators look for spiritual solace in the wake of the September 11 terrorist attacks. At a high school in Texas, athletes and cheerleaders and members of the band broke into an open recitation of the Lord's prayer as they gathered in the end zone before a football game last week.

I do not know, and if I mispronounce this, please forgive me, Rancho Carmel, California, and the gentleman from California (Mr. GEORGE MILLER) can tell me if I did or did not, I want to read from a minister named David Overstreet of the National Network of Youth Ministries in Rancho Carmel, California. I do not know if that is the gentleman from California's (Mr. GEORGE MILLER) district or someone else's. Let me tell my colleague what he said: Our kids today are reaching out for something and the reality is that these kids are seeking peace, the real peace that is provided by God, observed Reverend David Overstreet.

Again, I respect each and everyone that will speak in opposition to this nonbinding resolution, but I will say from the bottom of my heart that a Nation founded on Judeo-Christian principles, if America's future, which is the children of America, cannot be encouraged in this time of war and the death of over 6,000 fellow Americans to have a moment to reflect or a moment

of prayer and all we are talking about is passing a resolution, the sense of the Congress, it is nonbinding; but I do again respect those who are in opposition, and I am sure I might have another opportunity before we conclude.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 1 minute.

Let me just say these two points. One, I have supported for a long time a moment of silence, and I think it is quite proper and quite helpful to young children. Two, this Nation was founded on Christian-Judeo principles. It was also founded on constitutional principles; and we live under the Constitution, and there is a clash from time to time.

What my colleagues do not get to do is to have the State organize the prayer. A moment of silence could not be more important than at this time, and more and more schools can do it; and as my colleague pointed out, the court clearly has said that that is, in fact, allowable. But what the schools do not get to do is they do not get to organize the times and conditions of that prayer as called for, and this may be nonbinding, but the Congress on a binding or nonbinding, they ought not to be calling for unconstitutional acts. That is not meeting our charge under our responsibilities in this office.

Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, as a person of faith, I believe in the power of prayer. Like millions of Americans, I have prayed often for the victims of the terrorist attacks of September 11, and my prayers tonight are also with America's servicemen and -women now in harm's way in our war against terrorism.

What makes our Nation different, what makes our Nation different from Afghanistan is that in America citizens do not need their government to tell them when and how to pray. The millions and millions of prayers offered up by Americans since September 11 did not occur because the Federal Government dictated or suggested them to do so in legislation. Rather, those prayers occurred because of citizens' personal faith and choice to pray. That is as it should be in a free society.

One might ask, well, what could be wrong with a congressional resolution suggesting that public schools should set aside time for prayer or quiet reflection for our Nation? I would suggest there are several things wrong with this resolution.

First, in the first amendment to our Constitution, our Founding Fathers made it clear that government involvement in religion should be considered with the utmost care. In fact, they dedicated the first 16 words of the Bill of Rights to the principle that religion is a private matter, not a government responsibility.

Whether one supports or opposes this resolution, to bring legislation to this House floor that deals with the fundamental matter of religion and prayer,

without a single committee hearing, without any testimony, is wrong. In my opinion, such a frivolous handling of the issue of prayer demeans the sanctity of religious faith.

Second, this resolution may or may not be constitutional. The gentleman from North Carolina (Mr. JONES) does not know for sure. This resolution is worded differently from the Virginia law. Would it not be better to discuss those vital questions in a committee hearing of constitutional scholars before we vote on this matter on the floor of the House rather than after?

Third, this resolution sets a dangerous precedent by suggesting what the subject should be of school children's prayers. As a parent, I want my children to pray for our Nation in this time of need; but as a citizen, I will say here and everywhere, that the U.S. Congress has absolutely no right telling my children how to pray. The Federal Government and this House has no business telling any citizen, much less children, what the subject of their prayers should be.

If the gentleman from North Carolina (Mr. JONES), President Bush or I want to encourage others to pray for our Nation, there is nothing wrong with that; but there is something terribly wrong with the United States Congress passing legislation that tells my children what they should pray about in a public, tax-supported school. The gentleman from North Carolina (Mr. JONES) has no right to tell my children or anyone else's children how, when or about what they should pray.

In addition, this resolution refers to former President Eisenhower's description of religion and prayers as "spiritual weapons." I have great respect for President Eisenhower, but millions of Americans of deep faith might not agree that religion and prayer should be thought of as "weapons."

Does this Congress really have the wisdom and the constitutional authority to start dictating or suggesting the subject of school children's private prayers? If so, are we then to set up a congressional committee, vote on what subjects are and are not appropriate for prayer in public schools? It seems to me that process would be more appropriate in the Taliban's Afghanistan than in the United States.

The fourth problem is that this resolution says "a sufficient period of time" should be allowed for prayer or quiet reflection in our schools. Does this resolution envision Federal, State or local governments having debates on what is "sufficient time to pray"? To someone, a 1-minute prayer might be appropriate. In many religions, a 1-minute prayer would be considered superficial. To Muslim children, only one prayer a day would be considered sacrilegious.

Under the recent Supreme Court decision the gentleman from North Carolina (Mr. JONES) addressed, schools will face complex and difficult decisions in determining whether or how to estab-

lish time for prayer and meditation. Congress should not complicate that matter tonight for local schools by getting into the debate of defining what is "sufficient" time to pray and what the subject of children's prayers, however well intentioned, should be.

Mr. Speaker, it is already legal for children to pray in school. No law, no government body has the power to outlaw private prayer. Children may already pray quietly in the classroom or out loud before and after school. They may pray out loud during their lunch periods during school. The only prohibition, and rightly so, is against government-organized, government-sanctioned prayers in our public schools.

Mr. Speaker, another serious objection I have to this legislation is that it frankly implies that congressional action is needed to encourage American citizens to pray. Nothing could be further from the truth.

All of human history, including the world today, has proven that religion and prayer flourish best when politicians and government stay out of our matters of personal faith. It was wrong when House Republicans in the last Congress tried to pass a similar resolution dictating that it was the "necessary duty" of Americans to pray. Fortunately, that measure failed.

My hope is that Members of this House will recognize that it is just as wrong to dictate to school children or to even suggest to school children through legislative action of this Congress the subject of their prayers.

Mr. Speaker, this legislation is unnecessary at best. At worst it raises serious constitutional questions and sets the dangerous precedent of Congress suggesting the subject of our children's prayers.

As an individual, I hope that American citizens will continue to pray for our Nation; but as a matter of conscience, those prayers should be their choice, not Congress', not the gentleman from North Carolina's (Mr. JONES), and not mine.

Americans do not want and Americans do not need government getting involved in our prayers or our personal faith. Vote "no" on this resolution.

Mr. ISAKSON. Mr. Speaker, could the Chair advise both sides of the remaining time, please.

The SPEAKER pro tempore (Mr. FORBES). The gentleman from Georgia (Mr. ISAKSON) has 6 minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 5 minutes remaining.

Mr. ISAKSON. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I would like to say to the gentleman from Texas (Mr. EDWARDS) that, again, whether my colleague agrees or disagrees, this is nonbinding. It does not have the power of the law behind it. It is just for the Congress to make a statement to the children of America.

I have three military bases in my district. I have Camp Lejeune Marine Base in Jacksonville, I have Cherry Point Marine Air Station, and Seymour Air Force Base; and I go to a lot of the schools where kids have parents in uniform; and I know the questions and concerns they have been asking since September 11. If by chance, whether this resolution passes or not, if by chance the children will have that moment to reflect or whatever they might do, I am telling my colleague it is just extremely important.

Let me share one thing with my colleagues that Billy Graham, who is a well-known man of our Lord and Savior, his daughter Ann was on the CBS Early Morning Show, and Jane Clayson asked her and I will read this, Mr. Speaker, how could God let something like this happen. Ann Graham gave an extremely profound and insightful response, and I would like to read her response.

She said, I believe that God is deeply saddened by this just as we but for years we have been telling God to get out of the schools, to get out of the government and to get out of our lives. She further stated, In being the gentleman that He is, meaning God, I believe that He has calmly backed out. How can we expect God to give us His blessings and His protections if we demand that He leaves us alone. That is one person's opinion.

□ 2130

The point I am trying to make, Mr. Speaker, is that again, I am just one Member of 435. I think it is important that this Congress in a nonbinding way say that we understand that the children of America are hurting, and if the children of America would like to have a moment of prayer or a moment to reflect, then God bless the children of America.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, let me first respond to the statement of the gentleman from North Carolina (Mr. JONES). He said, "God has made a comeback in our schools." Frankly, the God I pray to never left the schools. And the God I pray to is so powerful that no government body in any nation has the ability to take God or prayers out of our schools.

The gentleman, it is interesting, talks about the importance of this resolution and says it is a nonbinding resolution. Well, the gentleman needs to make up his mind. If it has no impact, perhaps we should not be taking the time of the Congress tonight to debate it. But if it does have impact, I would argue the case, with which many religious conservative organizations, including many Christian organizations in this country, that would agree with my position that government ought not to be suggesting or dictating prayers; and especially should not be dictating what the content of American

citizens and school children's prayers should be.

The fact is, if Members read the resolution, it does not just say schools should consider as one option possible prayers. Schools should, should set aside a sufficient period of time. That word is with all of the authority and respect that the institution and the United States Congress might have in this country.

It also, by the way, talks about what to pray for. It does not mention, as the gentleman from California (Mr. GEORGE MILLER) mentioned, silent prayers or out-loud prayers. If silent, that is not what this resolution says. If these prayers are out loud, my question is, who is going to decide in the classroom whose prayer is heard and what prayer is given. Are we going to have third graders deciding who is going to give the prayer on the subject that Congress has suggested they should pray about?

It would be helpful before the end of the debate if the gentleman could answer the question raised by the gentleman from California (Mr. GEORGE MILLER) as to whether his resolution contemplates prayers being given out loud in our classrooms. If so, I would suggest that raises use constitutional questions. If not, then the gentleman needs to rewrite his resolution, which is exactly why we should have had a committee hearing on an issue of such great importance.

This resolution should not be on the floor of the House tonight.

Mr. ISAKSON. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, first of all, I want to say I do not question the sincerity of the gentleman from North Carolina. He is a man of principle. We are talking about the resolution, not talking about the distinguished gentleman from North Carolina.

This is a controversial resolution. It might be constitutional; it might not. If we worked on it consistent with the Virginia supreme court case, we might make it constitutional, but it is very controversial. It prescribes what the prayer is. Therefore, it ought not, without any hearings at all, be adopted.

Mr. Speaker, if we want to help our children, we might help them by having school psychologists in the school. Child health care with mental health parity, I think that would help the children. Smaller class sizes, that would help the children. There are a lot of ways we can help the children rather than spending time on the floor of the House debating a resolution such as this.

I would hope that we defeat the resolution and not suspend the rules.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I grew up as a Catholic believing that God was all-knowing and

ever-present; and it was not until I came to Congress and listened to these debates that I thought anybody would ever believe that a superintendent of schools or a teacher or a congressman could separate me from my God.

My God was always present. I could reach out and converse with God, rely on God, pray to God. Then I came to the Congress, and there were Members saying people could drive God out of school, drive God out of Congress, drive God out of here, drive God out of there. Maybe, I do not know; but it was never the God I understood that would travel with me throughout my life, that would always be there for me.

I find it interesting that somehow people believe children's faith is so weak that it can be dismissed like that by some school official, despite the teachings of their families, church and peers. I find it interesting that somehow God just disappears. It is an incredible statement that I do not understand regarding the underestimation of the American people's faith in their God.

Mr. ISAKSON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I commend the gentleman from North Carolina (Mr. JONES) for bringing this resolution, I commend the gentleman from Virginia, the gentleman from Texas, the gentleman from New Jersey, and the gentleman from California.

I am not a religious philosopher by any stretch, and I would not stretch to say I am a constitutional expert. But I am reminded, as I listen to this debate, that it is one of the reasons I am most proud to be an American. Both the gentleman from North Carolina (Mr. JONES) and the gentleman from New Jersey (Mr. SMITH) and the gentlemen on the other side have raised the consciousness of our country in this debate. Their arguments are not based on grounds that are against religion. They are based on the fundamentals and protection of religion, as our Constitution intends it to be, and I respect that.

I am somewhat reminded of a quote from Floyd Patterson shortly before he went into the ring to fight a title bout for the heavyweight championship of the world. Known to be a religious man, he was asked by a sportswriter, "Mr. Patterson, is God on your side?" And he said, "I only hope God knows I am on his side."

Regardless of the opinions in this debate, it is my conclusive belief that every Member of Congress falls in that same category as Mr. Patterson. While we may have differences on the intent of this legislation, it is patently clear it is permissive, not mandatory; respectful, not dictatorial; and it recognizes that at a time and place of tragedy in our country, it is only appropriate that America's children have the opportunity in their own way to reflect or to pray.

Mr. Speaker, I commend the gentleman from North Carolina (Mr. JONES) and those on both sides of the

debate. I urge Members to adopt the resolution.

Mr. BOEHNER. Mr. Speaker, I am proud to support House Concurrent Resolution 239.

The atrocities committed against the United States on September 11, the ongoing threats to our national security, and the realization that ordinary Americans can be targets in the struggle against the forces of domestic and international terrorism have left our Nation searching for comfort. They have also led many of us to pray and reflect on behalf of the Nation, each in our own way, and according to our own understanding of God. When events occur that confound and enrage and hurt us so deeply, it is natural for humankind, and Americans especially, to take time to seek wisdom and consolation from the Creator. I believe such times of spirituality are something to be encouraged, especially among our children.

This House Concurrent Resolution makes clear Congress's support that America's schools should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during the difficult days we now face. I believe such "moments of silence" merely given students a choice—not a mandate—to pray and reflect, and are not only constitutional, but also consistent with this Nation's heritage of recognizing that America is indeed "one Nation under God," as so many students around this great land recite each school day.

As President Eisenhower once said, referring to the reference to God in the Pledge of Allegiance, our Nation is one that reaffirms "the transcendence of religious faith in America's heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war." It is appropriate that our schools encourage their students to seek comfort and answers—and strength—in their faith.

I urge my colleagues to support House Concurrent Resolution 239.

Mr. ISAKSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FORBES). The question is on the motion offered by the gentleman from Georgia (Mr. ISAKSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 239.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. JONES of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RESERVISTS EDUCATION PROTECTION ACT OF 2001

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3240) to amend title 38, United States Code, to restore certain education benefits of individ-

uals being ordered to active duty as part of Operation Enduring Freedom.

The Clerk read as follows:

H.R. 3240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reservists Education Protection Act of 2001".

SEC. 2. RESTORATION OF CERTAIN EDUCATION BENEFITS OF INDIVIDUALS BEING ORDERED TO ACTIVE DUTY AS PART OF OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—Sections 3013(f)(2)(A), 3231(a)(5)(B)(i), and 3511(a)(2)(B)(i) of title 38, United States Code, are each amended by striking "in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, 673b, or 688 of title 10;" and inserting "to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10:".

(b) CONFORMING AMENDMENTS.—Sections 3013(f)(2)(B) and 3231(a)(5)(B)(ii) of such title are each amended by striking "in connection with such War."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 11, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Committee on Veterans' Affairs, I strongly encourage Members to support H.R. 3240, the Reservist Education Protection Act of 2001, and am pleased that the gentleman from Illinois (Mr. EVANS) has joined me in sponsoring this. We are up to 34 Members who have cosponsored this important legislation.

Mr. Speaker, as many as 10,000 of the 50,000 Reservists and Guard members the President called to active duty on September 18, 2001, may have had their education interrupted by their selfless service to our Nation. These service members should not lose any of the educational benefits they have earned because they answered the call to duty. The Reservist Education Protection Act of 2001 would reinstate VA educational entitlement to those called up for Operation Enduring Freedom, as well as those called up in future national emergencies.

This bipartisan legislation would allow any service member who is mobilized after September 11 and had to disenroll from college or other schools to regain any monthly VA educational entitlement payments lost due to the call-up. Our bill accomplishes this by increasing the number of months of VA education entitlement equal to the months deducted for the incomplete course. These men and women would also regain time to attend school by extending the 10 years that they already have to use their benefit by a pe-

riod equal to the period of active duty for which they were called up, plus 4 months. For example, if a service member is mobilized for 6 months, he or she would have 10 months added to his or her 10-year delimiting period.

Mr. Speaker, in 1991, during the Persian Gulf War, Congress addressed this same issue and protected VA educational entitlements under both the chapter 30 Montgomery GI bill active duty program and the then-chapter 106 program for members of the Selected Reserve. Such protections were for the Persian Gulf War only.

I would note that the service members using the current chapter 1606 Montgomery GI bill program under title 10, U.S. Code, are already protected.

Let us tell the men and women mobilized that Congress stands with them as they serve our Nation during Operation Enduring Freedom. I urge support of H.R. 3240.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support the measure before us and salute the chairman, the gentleman from New Jersey (Mr. SMITH).

Qualifying veterans, members of the Guard and Reserve and service members serving on active duty are eligible for veterans' educational benefits administered by the Department of Veterans Affairs. Those eligible for VA education benefits are entitled to receive a specified number of monthly payments to further their education.

During a period of conflict, active duty servicemen and Reservists may need to leave school before an academic term has been completed in order to perform military service in the Nation's defense. Although these men and women have used a part of their VA education benefits to begin a term of study, they are unable to complete their academic work. Unfortunately, under current law, the entitlement these men and women have used is not restored for their future use even though their studies have been interrupted to serve this Nation.

During the Gulf War, Congress addressed this issue to protect the education benefits of our men and women in uniform. Chapter 30 in title 38, as well as chapter 1606 in title 10, were amended to provide for reinstating a veteran student's entitlement to provide for reinstating a veteran student's entitlement to education benefits if the courses in which he was enrolled were interrupted for active duty service.

□ 2145

This applied equally to chapter 1606 and chapter 30 beneficiaries and, importantly, the reinstated benefits had to be "in connection with the Persian Gulf War." In 1999, Congress amended this law by deleting the limiting language for chapter 1606. Because of this

deletion, current chapter 1606 beneficiaries who discontinue school for active duty service will indeed have their entitlements reinstated.

Mr. Speaker, in the case of an individual who has been receiving educational benefits from the VA, but is prevented from completing his or her coursework as a result of changed military duties or because of activation, this bill would rightfully restore his or her entitlement that was being used for interrupted schooling. Thus, upon returning to school, H.R. 3240 would permit the individual to resume their educational pursuit with the amount of entitlement they possessed before entering the interrupted academic term.

The Nation devoted this past week-end to its solemn recognition of the brave men and women who have served this country. In the natural extension of this spirit and in the best interests of the future of the men and women in the Armed Forces, I strongly urge my colleagues to support H.R. 3240.

The name of the gentleman from New Jersey is strongly associated with this bill. I look forward to working with him in the implementation of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his kind comments. We do work, I think, very well as a team on behalf of veterans.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include any extraneous material to the bill, H.R. 3240.

The SPEAKER pro tempore (Mr. FORBES). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SIMMONS. Mr. Speaker, I rise today in support of H.R. 3240, the Reservists Education Protection Act of 2001, and I commend Chairman SMITH and Ranking Member EVANS for their leadership in introducing this bill today.

This bipartisan bill restores important Veterans Administration education benefits to those active duty, reserve and guard personnel who have been called up for Operation Enduring Freedom.

It has been estimated that up to 10,000 of the 50,000 reservists and guard members recently called up to active duty by President Bush as a result of the September 11th attacks on the United States will lose educational assistance benefits if they are forced to withdraw from school. Many of these men and women will also lose the tuition they have already paid for their education to date.

As a Vietnam Veteran, I know the value of educational benefits to military personnel returning from a war zone and trying to develop their skills to get a decent job. As someone who has spent over 30 years in the U.S. Army Reserve, I also know that educational benefits are one the most popular tools we use to re-

tain and keep quality personnel in military. It is critically important that we preserve and protect the Montgomery GI Bill benefits that are offered to our service members.

Under the provisions of this legislation, those military personnel who are using their Montgomery GI Bill benefits and who are called up for Operation Enduring Freedom will have their monthly benefits restored.

Active duty service members, reservists, guard personnel and veterans enrolled in the Post-Vietnam Era Veterans' Educational Assistance Program, and the Survivors and Dependents Educational Assistance Program, will also be included within this legislation.

Service members will regain essential time to attend school by extending their Montgomery GI Bill date by the time of their mobilization tour of duty, plus four months, to the 10-year period of eligibility they already have. Congress provided similar relief during the War in the Gulf.

I urge my colleagues to support those patriotic service men and women who are responding to the call of duty at this challenging time. Preserve and protect their educational benefits while they are off fighting international terrorists who have viciously attacked our Nation. Pray that they get back safely and help them get back to school when they do return.

Mr. FILNER. Mr. Speaker and colleagues, I express my strong support for H.R. 3240, the Reservists Education Protection Act of 2001.

We are facing a situation in which many of the men and women, currently pursuing their education with VA educational benefits, may need to leave school before the academic term is completed when they are called to serve in the war against terrorism. As many as 8,000 to 10,000 of the reservists, now being called up, will have no reinstatement of their educational benefits for classes that were interrupted.

This legislation will restore their entitlement for benefits and allow them to complete their education which has been interrupted by our fight against terrorism.

We are in a new type of war, one which seeks to deter those who seemingly have no moral compass and who are willing to kill innocent civilians in great numbers. Now, more than ever, we need to support our brave soldiers who are putting their lives on hold to protect our nation, and indeed, to protect the world. As a co-sponsor of this bill, I urge my colleagues to support H.R. 3240!

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3240.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FAST TRACK PROFITEERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, on the evening of September 11, some gas stations in northeast Ohio and across the country raised the price of gas to \$4, \$5, even \$6 a gallon. Many people called that war profiteering.

Unfortunately over the last 9 weeks or so, something not much different has occurred here on Capitol Hill. You might call it political profiteering.

First, Congress passed a bailout bill giving the airline industry \$15 billion in cash and loan guarantees with virtually no strings attached: no sacrifices for the airline executives, no assistance for the 100,000 unemployed airline workers, no money for any kind of airline safety.

Then 3 weeks ago, in the name of stimulating the economy, this Chamber passed new tax cuts and accelerated others for the richest people and companies in America. Again, very little was included in the plan for laid-off workers and those among us who needed assistance the most.

Then a couple of weeks ago, political profiteering reached new heights. That week, the Bush administration's trade representative, Bob Zoellick, sought to link the trade negotiating authority known as Fast Track to our Nation's antiterrorism efforts. He went further by claiming that those of us who oppose Fast Track are a bit indifferent to terrorism and perhaps unpatriotic. According to Mr. Zoellick, free trade is the way to combat terrorism around the world; and if you do not support it, then you do not support real American values.

Unfortunately, Mr. Speaker, Fast Track and free trade do not embody American values as well as our trade representative has indicated. In Qatar, where this week's World Trade Organization ministerial is being held, the people do not have freedom of speech, they do not have freedom of assembly, they do not have freedom of religion, freedom of association, and they do not have free elections. Qatar's human rights record may not be in line with American values, but it is familiar territory to many of corporate America's trading partners.

Supporters of Fast Track say interaction with the developing world spreads democracy, but as we engage developing countries in trade and investment, democratic countries are losing ground to dictatorships and to authoritarian developing countries. Democratic India is less desirable for Western investors than authoritarian China. Democratic Taiwan is losing out to autocratic Indonesia. In 1989, 57 percent of developing country exports in the manufacturing sector came from democracies. Since then, exports from democracies fell to 22 percent. Fully 65 percent of developing country exports come from totalitarian/authoritarian

nations. The fact is Western investors want to go to places like China and Indonesia, which are dictatorships, because they have pliable work forces, they have authoritarian governments, and they are very predictable for Western businesses. Western corporations want to invest in countries that have poor or nonexistent environmental standards, that have below poverty wages, that have no worker benefits, that have no opportunities to bargain collectively.

As American investment moves to those dictatorships where they do not have the values that we have, American working families lose out. Our trade agreements go to great lengths to protect investors and protect property rights; but they do nothing to protect workers in this country or in developing countries, and they do little to protect the environment.

Mr. Zoellick's call for an absolute trade negotiating authority in the name of patriotism must be recognized for what it is, pure and simple political profiteering. We have all watched with pride the indomitable spirit of working Americans in response to the events of September 11. The right response for us to defend the jobs and values of these same Americans is a "no" vote on trade promotion authority.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. COLLINS) is recognized for 5 minutes.

(Mr. COLLINS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

(Mr. DEAL of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AIRLINE SAFETY AND COAST GUARD PROFESSOR OF THE YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, yesterday's plane crash was another

devastating blow to the residents of New York and the citizens of this great Nation. Although we do not know the cause yet, I have been hearing it called a "routine plane crash." I want to repeat that, a routine plane crash. God help us all if we ever accept a plane crash as routine.

I was in New York yesterday, and I had to take the train back to Washington. In fact, I chose to take the train back to Washington. I was talking to the train conductor who said that U.S. lawmakers have failed the American public. This is what our citizens think of this House and this Congress.

How many planes must go down before we truly deal with safety? Not just who screens the baggage but the safety of the entire transportation system, including ports, rail, bridges, tunnels and, maybe after yesterday, more thorough safety inspections for airplanes. Does this country and this Congress have to wait until another disaster strikes again to act to protect our transportation infrastructure?

We do not want the American people to feel that we have failed them. I do not hold out much hope, but I am asking the conferees to support the other body's version of airline security so that we can move on to other areas of homeland security.

I also want to take the time tonight to talk about four heroes in the field of education. Earlier today, I attended a luncheon honoring four outstanding college professors. I especially am proud of Commander Vincent Wilczynski, an engineering professor at the Coast Guard Academy. He is the first service academy professor to receive this distinguished award in its 20-year history. The members of the Subcommittee on Coast Guard and Maritime Transportation and the entire Congress are very proud of the commander and all educators like him who strive for excellence in their classrooms every day. Although this award ceremony only lasted a few hours, their contribution to these young minds will be felt for many years to come.

U.S. PROFESSORS OF THE YEAR PROGRAM WINNERS' BIOS

CDR Vincent Wilczynski is associate professor of mechanical engineering at the U.S. Coast Guard Academy. Wilczynski was instrumental in establishing the mechanical engineering major at the Academy, and earning its accreditation. A strong advocate for linking engineering principles to practical applications, he guides students through research and analysis to real-world design problems.

Wilczynski extends his impact beyond the walls of the Academy by working with high school students across the nation in FIRST (For Inspiration of Science and Technology), a non-profit organization that brings students together with distinguished professionals and introduces students to mentoring, leadership, entrepreneurship, and professional behavior.

CDR Wilczynski holds a Ph.D. in mechanical engineering from The Catholic University of America and an M.S. in Naval Architecture and Marine Engineering from Massachusetts Institute of Technology.

Cornelius Carter is associate professor of dance at The University of Alabama in Tuscaloosa. Carter founded the Alabama Repertory Dance Theatre in his first year of teaching to create an environment that would prepare young Alabama dancers to compete for the best national internships and memberships in professional dance companies, and for scholarships to graduate academic dance programs.

One colleague affectionately called Carter "a one-man gang", as he collaborates with local high schools, mentoring at-risk students and expanding cultural horizons of those outside the university's dance program.

Carter holds a Master of Fine Arts in Dance from University of Hawaii at Manoa, Honolulu, and has taught dance at the American Ballet Theater, Harvard Summer Dance Program, and this summer, at the Ailey School at Lincoln Center in New York City.

Clarence Romero is associate professor of psychology at Riverside Community College in Riverside, Calif. He spearheaded Latino Educators of Tomorrow (LET), a teacher preparation program that encourages students to overcome mental and physical barriers, to set personal goals and accept responsibilities. LET reinforces the idea that students are the masters of their own destinies.

Romero's teaching philosophy was profoundly impacted by an exercise in which he asked his students to make him "student for a day". The students told him, "Teachers tell; they don't listen. They don't know who we are or what we're all about." Romero understood, and strives to make his students active participants in an education process that has real life applicability.

He holds a Ph.D. in psychology from University of Riverside, and has served as an instructor, chief administrative officer, counselor and student personnel worker.

Laura Duhon Kaplan is associate professor of philosophy at The University of North Carolina at Charlotte. She developed "narrative philosophy", a teaching style in which students use stories from their own everyday lives to unpack the meaning of difficult theoretical concepts proposed by famous philosophers. She writes extensively on how her method affects student understanding, highlighting student's writing about their learning experience.

Kaplan served as coordinator of Women's Studies at UNC Charlotte for seven years, and is credited with tripling program enrollment. She established numerous other interdisciplinary programs, including a Junior Great Books course for middle school students, and is working toward establishing a Jewish Studies program at UNC Charlotte.

Kaplan holds Ph.D. in philosophy and education from Claremont Graduate School and has taught more than twenty different courses from pre-freshman to graduate level.

STATE WINNERS

Alabama: Stephen Chew, Professor and Chair, Psychology, Samford University.

Alaska: Ping-Tung Chang, Professor, Mathematics, University of Alaska Anchorage.

Arizona: Albert Celozza, Faculty, Liberal Arts, Phoenix College.

Arkansas: Helen Robbins, Associate Professor, English, Lyon College.

California: Nicole Weekes, Assistant Professor, Psychology, Pomona College.

Colorado: Charles Ferguson, Assistant Professor, Biology, University of Colorado at Denver.

Connecticut: David Sloane, Professor, English and Education, University of New Haven.

District of Columbia: Gerald Feldman, Associate Professor, Physics, George Washington University.

Florida: June Main, Professor, Education, Jacksonville University.

Georgia: Ulf Kirchdorfer, Associate Professor, English, Darton College.

Idaho: John Freemuth, Professor, Political Science, Boise State University.

Illinois: Constance Mixon, Instructor, Political Science, Richard J. Daley, Chicago.

Indiana: Mary Johnson, Assistant Professor, Micro Biology, Indiana State University.

Iowa: Terence Kleven, Associate Professor, Religion, Central College.

Kansas: C. Rick Snyder, Professor, Clinical Psychology, University of Kansas.

Kentucky: James Wagner, Assistant Professor, Biology, Transylvania University.

Louisiana: Teresa A. Summers, Professor & Division Head, Textiles, Apparel Design & Merchandising, Louisiana University.

Maryland: Sylvia Sorkin, Professor, Computer Science, The Community College of Baltimore County, Essex.

Massachusetts: Kevin Smith, Associate Professor, Physics, Boston University.

Michigan: Bernard J. O'Connor, Professor, Political Science Eastern Michigan University.

Minnesota: James Bartruff, Professor, Theatre Arts, Minnesota State University Moorhead.

Mississippi: Michael M. Neumann, Professor, Mathematics, Mississippi State University.

Missouri: Vicki Ritts, Associate Professor, Psychology, St. Louis Community College.

Montana: John Photiades, Professor, Economics, The University of Montana-Missoula.

Nebraska: David Iaquina, Professor, Sociology, Nebraska Wesleyan University.

Nevada: Dale Holcombe, Professor, Animal Biotechnology, University of Nevada, Reno.

New Hampshire: Randall S. Hanson, Associate Professor, Colby-Sawyer College.

New Jersey: Robert Clark, Associate Professor, Biological Sciences, Cumberland County College.

New Mexico: Mary Fanelli Ayala, Associate Professor, Modern Languages, Eastern New Mexico University.

New York: Frances Bronet, Associate Professor, Architecture, Rensselaer Polytechnic Institute.

North Carolina: Althea Riddick, Chair, Business and Office Technology, College of the Albemarle.

Ohio: Robert Welker, Professor, Education, Wittenberg University.

Oklahoma: Sue Ellen Read, Professor, Teacher Education, Northeastern State University.

Oregon: Becky Houck, Professor, Biology, University of Portland.

Pennsylvania: Gary S. Smith, Professor, History, Grove City College.

Rhode Island: Roger Lebrun, Professor, Entomology, University of Rhode Island.

South Carolina: Mary Stepling, Assistant Professor, Speech Language Pathology, Columbia College.

South Dakota: Michael Roche, Professor, Political Science, The University of South Dakota.

Tennessee: David Julseth, Associate Professor, Foreign Language, Belmont University.

Texas: Robert Webking, Professor, Political Science, The University of Texas at El Paso.

Utah: David Lancy, Professor, Anthropology, Utah State University.

Vermont: Lyndon Carew Jr., Professor, Animal Sciences & Nutrition, Food Science, University of Vermont.

Virginia: Cheryl Jorgensen-Earp, Associate Professor, Communication Studies, Lynchburg College.

West Virginia: John J. Renton, Professor, Geology, West Virginia University.

Wisconsin: Scott Hartsel, Professor, Chemistry, University of Wisconsin-Eau Claire.

Wyoming: Carol Frost, Professor, Geology & Geophysics, University of Wyoming.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

(Ms. WATSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

(Ms. MCKINNEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

(Mr. LARSON of Connecticut addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CHOICES FACING CONGRESS AND AMERICAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, I am pleased to be joined by my friend, the gentleman from Connecticut (Mr. LARSON). We are here tonight to talk about some of the choices that face us in Congress and face the American people as well. I know this is a time when all of us are preoccupied with the conflict in Afghanistan and the war against terrorism here in the United States. There is so much to do both on the foreign front and on the domestic front that perhaps we have not spent all the attention we need to on certain aspects of both the economic stimulus and the effort to protect Americans here at home. That is really what I want to talk about tonight.

I want to begin by referring to the economic stimulus package that passed this House 2 weeks ago by a vote of 218 to 214, only a four-vote margin. If any two people in the majority had switched their votes, that bill would not have passed. So it obviously was one of the more controversial items that we have had in the last few weeks in front of this House.

Now, from my point of view, what that so-called economic stimulus bill looked like was the same old tax cuts to the same old people that we have seen here before. Not quite the same old people because in this case it was the same old corporations. My friends on the Republican side of the aisle had

concluded that the only way to stimulate this economy was to give hundreds of millions of dollars in some cases and more than a billion dollars in other cases to some of the wealthiest corporations in this country.

In order to understand an important part of this bill that we passed 2 weeks ago, you have to understand something called the alternative minimum tax. The alternative minimum tax is assessed both against individuals and against corporations. It is assessed only against wealthier individuals and wealthier corporations in both cases because they have so many tax credits, so many deductions, so many loopholes that if they did not pay the alternative minimum tax, they would not be paying much of a tax at all.

In the economic stimulus package, so-called, that the Republicans passed 2 weeks ago, there was a repeal of the alternative minimum tax for corporations.

□ 2200

This will cost the American taxpayers \$25 billion. This was not just a repeal of the Alternative Minimum Tax looking forward, it was a repeal and a rebate of the Alternative Minimum Tax paid by companies like IBM, Ford, General Motors, General Electric and several hundred or even several thousand other corporations.

Tonight I want to talk about how much of a rebate those corporations will get that are in the top 16 of the beneficiaries of the largesse of my friends on the Republican side of the aisle. Let us turn to this particular chart.

In the economic stimulus package, H.R. 3090, IBM would receive a rebate of over \$1.4 billion. That is right, \$1.4 billion in a check going from the Federal Government to IBM, all in the name of stimulating the economy. Now, a majority, though not all of American taxpayers, recently got a rebate of \$300. But IBM gets a rebate of \$1.4 billion to cover the minimum tax that it had been paying since 1986.

Number two on the list is the Ford Motor Company. Ford gets \$1 billion, \$1 billion in a rebate, a check from the Federal Government. All of this is in the package, in the name of economic stimulus.

Now, you might ask, well, does either IBM or Ford have to invest this money in anything? Are there any strings to this money, any conditions, anything that would assure that this money is going to be invested by IBM, Ford, General Motors, General Electric or any other companies that are the beneficiaries of this largesse? The answer is no. No strings, no conditions. Straight to the bottom line. Probably the stock would go up the next day if this happened, if this bill were passed by the Senate. But that is what you have got.

Let me just read through a few of the larger beneficiaries of the House Republican economic stimulus bill. As I said, IBM gets \$1.4 billion; Ford Motor

Company gets \$1 billion; General Motors gets \$833 million; General Electric gets \$671 million; the Texas Utility Company, TXU, gets \$608 million; DaimlerChrysler, \$600 million; and on down the list.

Now, before I call on my colleagues, who I am sure are as astonished as I am by simply writing checks to profitable, huge American corporations in the name of economic stimulus, I want to refer to one of the alternatives just a moment.

The Homeland Security Task Force of the Democratic Caucus has put together a bill to deal with the threat of bioterrorism in the United States. We have looked at a wide range of different risks to this country, and we have come up with a series of proposals to deal with those risks. Now, this bill, as I said, deals with the range of threats, threats presented by anthrax, smallpox, other threats to our food safety, emergency planning, coordination, all of those kinds of things.

I recently held a meeting in my district with police and fire officials and EMT technicians, all of whom are under great stress since September 11. They have had extensive overtime, extensive extra expenses as a result of September 11. What they wanted was not just more funding, they wanted more training and they wanted better communication with Federal and State officials.

Let us just take a look for a moment at the priorities of our caucus, the Democratic Caucus, as compared to those tax cuts for the larger corporations in this country.

What we have decided as a caucus is we ought to spend about \$1.4 billion acquiring and researching vaccines and antibiotics. This presents a choice. We are threatened by anthrax, we know. There is always a risk of smallpox or other diseases out there that could be the subject of a terrorist attack. We think we need to deal with this threat and we need to deal with it now. \$1.4 billion will do it. That happens to be the same number that the House Republicans would write a check to IBM for, the same number.

One more example. We need to improve the ability of our local responders to deal with these kinds of medical emergencies. We can do that across this entire country for \$1 billion. \$1 billion, the same amount that our friends on the Republican side of the aisle believe should go to Ford Motor Company in a check; no strings, no conditions whatsoever.

We can go on down this list for some period of time and draw some of these contrasts, and we will do that in the course of this hour. But I would like to yield to my friend the gentleman from Connecticut (Mr. LARSON), who has been deeply concerned about the implications of these priorities. I know that he, like all of us, is puzzled that, given the choices that are presented to this Congress, the majority would make a decision that seems so out of sync with the needs of this country.

Mr. LARSON of Connecticut. I thank the gentleman from Maine for yielding, and commend him for bringing to the attention of the body the importance of this issue.

The hard truth with most special orders, for those of you that are viewing at home, is that it is very difficult for us to get our message across when we are in the minority, so oftentimes we have to rely on voices beyond this Chamber. It is our sincere hope that we reach you, that we reach members of the media, so they can continue to take this case before the American public.

The American public in turn responds, because, after all, this is a time of war. We are currently a Nation at war, and though the war appears to be going well at this time and the President has the full support of Congress and the Nation and it is important for us to stay united as a country, we find that some of the things that divide us are the very issues that the gentleman from Maine (Mr. ALLEN) is addressing this evening.

Let me say from the outset that I have always felt, and I believe most Americans believe this way as well, that in a time of crisis, in a time of war, it is a time for shared sacrifice; that the entire Nation has to pull together. Witness the valiant efforts of the rescuers at the World Trade Center, Mr. Beamer and those citizens aboard Flight 93, and, of course, the heroes at the Pentagon as well.

How can anyone go home this past weekend and talk to veterans and be able to look them in the eye and say, I am sorry, we will not be able to afford prescription drug relief for you because we have got to provide a tax cut for the wealthy?

I am sorry that perhaps there will not be enough vaccine to go around, because we have got to provide a tax cut for the wealthiest corporations?

I am sorry that there will not be airport security, because it will be too costly to afford in lieu of the tax cuts that we are providing?

I am sorry that we will continue to have to send our senior citizens to Canada to get prescription drugs that they can afford, because we have got to provide a tax cut for the wealthy?

It is obscene. It hurts when you have to go home and look at people who, in so many respects in the great irony of all this, we are talking to a generation that has lived through a second day of infamy, the first being December 7, 1941, the second being September 11. And of all the people we are asking to sacrifice, we are asking them to sacrifice.

Where does this money come from? It comes from the Social Security surplus. Instead of the money going into the Social Security surplus to deal with future generations retiring, it is going, instead, in windfall proportions to corporations and the very wealthy.

It is time for us to recognize what the gentleman from Massachusetts

(Mr. FRANK) and others have recognized, that we need to freeze the existing tax cut that we have made, and then look at this giveaway of the repeal of the Alternative Minimum Tax and focus on the direct needs that the gentleman is pointing out here for homeland security.

How can we turn our backs on these frontline defenses for this Nation? It was not lost on any Member of Congress that it was not the FBI, it was not CIA, it was not the military or FAA or FEMA that responded first; it was local firefighters, police, emergency medical teams, allied health professionals and hospitals. They are crying out for this money, as are governors and members of General Assemblies across this Nation, because they are fearful that with a tax cut going to the select few, there will be little money left for them to send out to our municipalities. There is \$8.7 billion utilized in terrorism today, with only \$300 million going out to our municipalities, meaning that \$8.4 billion stays within the Beltway.

These municipalities fear a top-down solution foisted upon them by the Federal Government; another mandate that will go unfunded, while we fund a tax cut for the wealthiest corporations, and, frankly, at a time when most of them are not even asking for it.

This is a time of shared sacrifice. The patriotic thing to do at this time is to make sure that the Nation is safe and secure; that there are vaccines available for everyone; that our frontline defenders are appropriately equipped and trained; and that our seniors, who have sacrificed much already, are able to get the prescription drugs that they need, and not have to face the God-awful choice between heating their homes, putting nutritious meals on their table and taking the drugs their doctors have told them they must take to survive.

That is why we are so concerned, and that is why, frankly, I am so angered by what is going on, because there is a great opportunity in this Nation to come together. The President has done a remarkable job in unifying this Nation and bringing about the war effort and getting everyone to focus, as we should, at rooting out terrorism. But if we root out terrorism and in the process do nothing to help the people in our own Nation, where are we?

We have stood on the shoulders of another generation for too long. It is time for us to reach back and uplift our own generation of elders in this country who are going without, and should not be made to sacrifice yet again while we provide huge and massive tax cuts to the wealthy few.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for those comments. What he says about shared sacrifice is exactly the point. It is not what some of these large American corporations seem to be in the mood to do though.

I thought I would go back to this chart for a moment. The House Republicans passed this economic stimulus

package, and, as you can see, we have listed on this one chart the 16 corporations that get the largest checks from the Federal Government if this bill becomes law. It ranges from the \$1.4 billion check that IBM would get to the \$102 million check that K-Mart would get. But the repeal of the Alternative Minimum Tax in total represents a give-back to corporations across the country of \$25 billion; \$25 billion in checks to the largest corporations in the country.

When you contrast that with not only prescription drugs and education and so many of the alternatives that the gentleman from Connecticut mentioned, but if you just looked at the Democratic proposal to deal with bioterrorism, the kinds of things that are here, not just acquiring and researching vaccines and antibiotics, that is pretty obvious. But, for example, improving the public health infrastructure. No one can question that that is not a very important priority today. Or improving border security and strengthening the Coast Guard. That is a no-brainer. It needs to be done. Protecting our water supply or addressing threats to mail delivery.

These are not frivolous things that maybe we ought to do in 3 or 4 years if and when we can find the money. These are things that need to be done now; need to be done now and should be done now. And the truth is, this entire bill comes to \$7.5 billion, less than one-third of the entire tax cut that would go to corporations under the repeal of the Alternative Minimum Tax.

□ 2215

These are the choices we face as a Congress, and we need to make the right choice; and so far, this House has not done that.

We are joined tonight by the gentleman from North Carolina (Mr. ETHERIDGE), and we are pleased to have him here to speak on these issues. I yield to the gentleman.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from Maine for yielding to me. I could not help but think that as we talk about this issue tonight how we got here. Our colleagues need to remember how we got here. Because I think it is important to also put it into perspective. We got here because we face one of the greatest challenges I think that we have faced as a Nation as a result of the September 11 attack, probably the greatest challenge we have faced since World War II. It will forever be a day when it was remembered when evil visited the shores of America unlike any time in the history of this country, when we lost more people in one day than probably any time since the Civil War, and even before that event, our economy was sort of teetering on the brink of a recession, certainly a slowdown, and that attack probably did push us to the edge.

It really bothers me, and I want to reflect on that, that we are working so

hard to collect to help support our troops overseas and work with the White House on these issues that our colleagues would take that opportunity and use that situation to turn in and fail to realize that this so-called stimulus package that they rammed through the House on a partisan vote, it is just the wrong way to go. It is the wrong way to go. It is really about, in the end, having spent a number of years in business and as a legislator before I came here and the superintendent of schools, I am always reminded that in the end, it is always about people. It is about people.

In October, we saw the unemployment rate jump a half a point, to 5.4 percent, a 5-year high. It was the biggest monthly increase in over 20 years. Let me repeat that again. The biggest monthly increase in over 20 years. And what do we do? How do we respond to that? We do not respond to it by reaching out and helping those who are hurting so badly. We want to help those who are already doing okay. That is really not how we got to the best economy probably in our lifetime, and we are not going to get back there that same way.

We know that no sector of the economy has been immune to this; but as the gentleman said, we had an opportunity to pass a very good stimulus package that would help get the economy going, help to get people working and get our economy moving again; and that is the kind of thing we need to have, not massive cuts for the wealthiest corporations who really would be happy to get it, I assume, and they would love to have it and the stockholders would be glad to have it.

However, it is not going to help the kind of people I talked with today in Raleigh at a press conference. I talked to a lady who has been laid off who has two children who worked for Midway Airlines when they went bankrupt and shut down after September 11, and she is now unemployed and is now drawing unemployment. She said, I believe she told me she filled out something like 30-some applications in a bad economy, and she is still filling out applications. Another lady who has worked 33 years for the same company and she said, you know, you cannot imagine how bad it is to have to back up your truck to the place you worked for 33 years and they closed their doors, and all that you have worked for all your life is loaded into the back of a truck and you drive home. She said, my unemployment benefits run out January 1, and I do not know where I am going to work. She said, I am a proud person. I want to work. And I am still making applications, trying to get a job. That is what we ought to be about. We ought to be working together to get that done. That is how we stimulate the economy. Pass things that put people to work.

Mr. Speaker, I think the House Republican leadership was absolutely wrong when they rammed through

their special interest tax break and called it a stimulus package. It was not a stimulus package, and they know it. The American people do not need assurance that these tax cuts will get our economy back on its feet. They need jobs. I talked to people today who want a job. They just want to work. That is all they ask. They do not need pats on the back and rhetoric about the strength and spirit of the American worker. They need a job. That is all they want.

Mr. Speaker, praise does not pay the bills, and you cannot cash encouragement. We need a package that will produce real results for those affected by the economic downturn. That is all they ask. They are just asking for a helping hand, a bridge, from now until the economy gets going.

So how do we create those jobs? There are ways we can do it. The gentleman has laid out some of them tonight in a package of things we need to spend money for. They are appropriate. They are things we have in the pipeline. They are things we ought to be doing. The security of our airports. Construction projects that will help make America safer and productive. Sure, part of them are building roads that we are going to build any way, just speed them up. We could spend a little money building a few school buildings. Is it not amazing what that would do for America? It would improve education. It would say to our children that education really is the most important thing we want them to be about in their young lives, and it would put in place a lot of good-paying jobs in America.

Mr. Speaker, there are things that we could be doing, working together, instead of playing the same old games that lead to nowhere, to help those special interest projects that are not going to pass. They are not going to pass Congress this year. So why are we still here, almost at Thanksgiving, not doing the work of the American people? I think the leadership has a responsibility, and I have always said, get out of the way or let somebody else do it, and it is time we get the job done for the American people. I yield back to the gentleman.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for those comments. There really are so many ways we could go at this problem. Aviation security is one area where we need action and we need action now. I mean, we are hung up in this ideological debate about whether the security screeners at airports should be Federal employees or not; and the leadership on the other side here does not want any more Federal employees, as if that were a bad thing in itself. We know, of course, that if the security screeners were Federal employees, they would be paid probably twice as much, they would have some benefits, and they would stay on the job longer than the average of 9 months, which is the average length of time that a security screener in this country now stays on the job.

Now, we have done a contrast here with the bioterrorism act that House Democrats have put together, but there are so many other ways to go at this problem.

Mr. Speaker, it is interesting that the Democratic Chair of the Committee on Budget in the other body and the ranking Republican in the other body and the Republican Chair of the Committee on the Budget in the House and the ranking Democrat on the Committee on the Budget in the House, those four leading budget experts came together and they said, we need a stimulus package that is focused on the near term, focused on the next year, and that any tax cuts that are enacted should be temporary. They should be confined to that year, because that is when we need the stimulus. But the repeal of the alternative minimum tax is forever, and it is not only forever going forward, it is 15 years going back. We are going to rebate \$25 billion in past taxes paid on a minimum base by some of the larger corporations in this country. It is a mistake.

I yield to the gentleman from North Carolina.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding. The gentleman has really touched on a very important point, because as we look at where we are today, where we want to get to tomorrow and next year and the year after for our children and hopefully our grandchildren, it really is important to be preparing and be making decisions that will not negatively affect our opportunity as a Nation and for those in business. What we do not want to do is build into any kind of economic stimulus package inflation. There is a reason why the long-term rates have not come down. All of this is in that.

The gentleman touched on earlier the whole issue of health care, and I feel like I need to share that with my colleagues tonight, about the ladies I talked to today in Raleigh and the conference we had. They were talking about the need, and this economic stimulus package really ought to deal with these issues, people who have lost their jobs and lost their health care and have children and have families. This lady said today, she said, you know, as bad as it is losing a job and a paycheck, you cannot imagine how difficult it would be to wake up one morning and get a call from your employer and say, do not come to work today. You are no longer employed.

So that is a shock enough, but all of a sudden when you realize your health care is gone with it. Now, you can buy into COBRA, but she shared with us the numbers today, and I do not remember the exact numbers, so I will not share those with my colleagues tonight; but what it amounted to is that her weekly unemployment checks over the month for her and her two children would have almost taken up every cent she got in unemployment to cover the cost for health care, with no money left to eat with and pay bills, et cetera.

Any package we get ought to have opportunity for people to get from here to there and cover some benefits, pay down the cost so that they can be covered for them and their children. I mean, that is humane. Why would we not do that? Why would our colleagues not understand? When we send children to school and they leave in the morning, if an accident happens, they have no insurance, what are we doing to families? How can we say we are for families when we do not want to help children? That is what a stimulus package ought to be about. I do not understand it. I am sure the American people do not understand it either. We ought to take care of that.

I yield back to the gentleman.

Mr. ALLEN. Mr. Speaker, I appreciate the gentleman's comments, because focusing on health care is very important. I mean, there is not a worker laid off in the country today who does not understand that when we qualify under COBRA, we wind up paying for the whole cost yourself; and when you have been laid off, the chances are good that you are not going to have the money to buy the health insurance you need. It is a tremendously serious problem.

I yield again to the gentleman from Connecticut.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from Maine, and I thank the gentleman from North Carolina for his insight. I think it is always instructive when we hear what is going on back in people's districts, as the gentleman's discussion with the woman in Raleigh revealed today.

I want to go back to something I said at the outset. My wife often asks me, she says, geez, you know, when you are speaking before the body, it is an empty Chamber. Is this the way Congress works? The hard truth, and we talk about legislation being rammed through, it is oftentimes missed by the public. There was about an hour's worth of debate, 30 minutes on each side, on an issue that is extraordinarily important to people. This past Veterans' Day, when we go home and face what Tom Brokaw aptly called the greatest generation ever, how do we look them in the eye and tell them what is going on? Here is a generation that is four square behind this effort to root out terrorism. All they want is to make sure that the land that they fought for, the freedoms that they fought for persevere and their children and grandchildren are safe and secure from terror.

□ 2230

That is the wish of every American. So they selflessly say, look, we will make more sacrifices, whatever it takes to make sure that we have a country free of terrorist attack, free of the horrific calamity that befell this Nation on September 11.

We have to get voices beyond this Chamber, like Mr. Brokaw and others,

who recognize that the time for platitudes and promises and lip service is over; that we have chronicled this generation in books, in song, and in movies. Yet, when it comes to sustaining them and allowing them to live out their final days in dignity, what we give them is alternative minimum tax reductions for the wealthiest corporations; and tell them not to worry, though, we will mention them in the next speech at Veteran's Day or Memorial Day, or when we pause again to pay respects to the greatest generation ever, when what we should be doing is providing them with prescription drug relief and making sure that we have a stimulus package that, as the gentleman from North Carolina (Mr. ETHERIDGE) says, reaches out and impacts people.

I know American corporations believe this, as well. We have many fine corporations in this country. Why the headlong, wrongheaded proposal of a few on the other side leads this Nation, at a time when we are coming together in unity, on such a destructive path is puzzling.

But look in the eyes of a veteran and try to tell them that this is the course we have laid out for them.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for those comments, Mr. Speaker. The point the gentleman is really making is that in this body we have choices. We have choices about what we are going to do. And the choice, when we look at the tax cuts, the corporate tax cuts in the Republican economic stimulus package, and compare them to some of the things that we have been talking about tonight, some of the profoundly important needs of the country, we can see that there is a choice, there is a difference.

Let us take just one. I put this one point up to deal with one of the lines in the two previous charts we were using. Here is a choice that is a real choice that is faced by all of us in this Chamber.

Now, under the Republican economic stimulus package there is an \$833 million handout to General Motors, a check for \$833 million for General Motors. Now, I know the auto industry is having some problems, but they are still selling a lot of cars, and \$833 million in my book makes no sense. But this has already passed.

By the same token, I talked to all sorts of constituents in Maine who are concerned about the food supply. We have come up with a proposal to make significant improvements in protecting agriculture and our food supply that would cost \$725 million, over \$100 million less than the check that would be given to General Motors under the Republican bill. That is a fundamental choice that we have.

Members can substitute something else if they would like, but the fact is that our bill dealing with bioterrorism may never come up in the Chamber because the leadership on the other side

will not allow it to come up. But they have an economic stimulus bill to come up that thinks, proposes, somehow believes that if we just write a check to General Motors for \$833 million, that that will help somebody besides those who own General Motors stock, even though there are no conditions, no requirement to keep jobs, no requirement to invest; nothing, just a handout for past taxes paid.

Those are the kinds of choices we face, and to date, this Congress is not making the right decisions.

I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank my friend, the gentleman from Maine, because he is absolutely right.

On that point, there was another piece in the economic stimulus package that I think our colleagues need to remember. I remember what former Treasury Secretary Robert Rubin had to say about the stimulus package that passed, and what one of the alternatives we had in ours was that was so important, because in the previous package, they were left out. That was the low-income individuals who helped pay taxes but they did not get a rebate. In our package, that was in there as an alternative; I think it is appropriate.

These were people, Mr. Speaker, that were left out in the original Bush tax plan, in the first rebate. These folks would put that money right back in the economy. Secretary Rubin has said and others have said that that is really where we ought to be putting it.

Those folks would put it in the economy immediately, buying things and spending it on such "luxury items" as food, clothing, medicine, heat and shelter; things that help get the economy going. If we say it turns over six or seven times, that is really what we need.

I got a telephone call this weekend, and will not share the lady's name. She is a very proud lady. She would not want her name shared. She has worked all of her life. She is probably in her early 80s now, or late 70s, I would say, or mid-70s, to be a little more accurate. But she was calling about prescription medicine, the issue the gentleman raised earlier.

She said, "You know, I would not want people to know, but I do not have the money to meet my medical bills each month and pay for my food and lodging. I just do not get enough money. When is Congress going to fulfill the promise that every politician made in the last election, Democrat and Republican? I remember the ads," she said.

I agree with her. I remember the ads, too. I am not sure our colleagues on the other side remember those ads and those commitments they made. We now have a chance to do that in some way as part of this package. Promises made ought to be promises kept.

I do not remember all these numbers the gentleman has shared that they had in their tax bill in TV ads during

the last election. We may see them in the next election.

Mr. LARSON of Connecticut. Mr. Speaker, if the gentleman will continue to yield, to further that point, if we were to be a nation concerned about shared sacrifice, what we would truly do at this point, at this critical point in our history, during a time of war, is freeze all the tax cuts until we have done the kind of assessment in this Nation that will provide our people with what they need.

As we have said over and over again, it is a time of shared sacrifice, but the American public does not see that. What they see is a Congress that is mired in providing a so-called stimulus package.

I cannot recall any war in this Nation's history where the first order of business and the top priority was to provide the Nation's leading corporations and wealthiest few with a tax cut, that is what is obscene, while at the same time prevailing upon the Nation to come together, to be more vigilant, to be more patriotic, to become involved, to not look the other way, to not be deferential.

Yet, what they see coming out of Congress is more pork for the few, while we ask the deserving many to go without, and they have gone without for too long. Those promises were made and those promises were made before September 11, but September 11 can serve as December 7 of 1941 did: as a rallying point for this Nation to come together in shared sacrifice for the common good of all Americans. That can only happen, that can only happen, if we invest in people and not the elite few.

Mr. ALLEN. The gentleman is so correct, Mr. Speaker. IBM is going to get \$1.4 billion in a check from the Federal Government, and IBM is not sacrificing anything in the course of this great national effort to deal with terrorism both abroad and at home.

But one of my concerns, among others, is the long-term effect of these permanent give-backs on the economy as a whole, because these are not targeted. These are not 1-year tax cuts to stimulate investment.

I think we can make a case for that. We can make a case for a targeted tax cut to stimulate investment in the next year and in the next year only. But these are permanent, Mr. Speaker. These tax cuts that are being proposed not only are going to some of the largest corporations in the country, instead of going to, for example, acquiring vaccines and antibiotics, but they are not going to stimulate the economy.

Alan Greenspan pointed out that the last tax cut, the personal tax cut, the one passed in July, that tax cut, he concluded, of every dollar of that tax cut, approximately 20 cents was actually spent. The rest was either saved or it went to pay down credit card debt or something else.

If we provide a tax cut to those people who are really struggling, who have

lost their jobs, who did not even earn enough money to get a \$300 tax cut the last time, they have no choice, because they live from paycheck to paycheck. They will spend that money because that is the way it is, and that will help stimulate economic growth in this country.

Moreover, these permanent, long-term tax cuts for the wealthiest individuals and the largest corporations in the country will have the effect of draining the Federal Treasury, which means that we will not be paying down the national debt anything like we were talking about just before this summer. That will not happen.

As a result, the Federal Government will be taking money or will be borrowing money in the future that otherwise could go into the private sector, but we have lost our fiscal discipline. We have lost the ability in this Chamber now to say that we are going to constrain ourselves, we are not going to go overboard in spending, and we are not going to go overboard in tax cuts.

The hard truth is, we have gone so far overboard on tax cuts for the wealthiest individuals and the largest corporations that we are endangering our long-term economic security. We are acting in such a way that we will drive up interest rates for home mortgages, that will drive up interest rates for business loans, because the Federal Government will have to borrow more and more simply to stay afloat.

It is bad economic policy, and it will do great harm to the kinds of people that we are concerned about who are simply trying to get by, to pay the bills, to keep a job, and to keep their families together.

Mr. LARSON of Connecticut. If the gentleman will continue to yield, to add insult to injury, I might just say, adding insult to injury in the proposal in the so-called stimulus package under subsection S of the IRS Code provides and in fact encourages these same corporations to make investments overseas while we are laying people off in the United States of America.

It encourages overseas investments because those overseas investments would not be subject to our taxes here in this country. At the same time, we are laying people off here in our own country.

This is wrongheaded public policy, and it needs to be changed.

Mr. ALLEN. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Very briefly, and I thank the gentleman for this special order this evening, I think he is absolutely correct. As I look at the gentleman's chart and think of the choices, if we look at the vaccines and antibiotics we know we are going to need to face the challenges we face on bioterrorism, this is not a long-term commitment, this is a one-time thing. When we acquire it and get to that point, we will have it.

We need to remember, too, that in addition to the commitments of those folks at home for jobs and opportunity, bridging the gap for the problems we face now, we also have that commitment to our seniors, that greatest generation the gentleman talked about, that paid in their Social Security dollars, and some others are paying in, that we were going to maintain that promise and commitment to them.

There is not an endless supply of resources. This money will come out of those dollars. If we make it permanent, we will permanently impede our ability to meet the commitment to that greatest generation and others when they reach retirement age. That is bad public policy, it is wrong, and we have absolutely violated our commitment to them and to the commitments we made, as I said, last year and the year before that that we were not going to get into that money.

We are in a crisis now, and people know we have to deal with immediate things. But these kinds of public policies are not in the best interests of this country, they are not in the best interests of our people, and they certainly are not in the best interests of the future, when we want to have economic activity at the levels we have seen before for our children and our grandchildren.

I thank the gentleman because I think he is absolutely right. We can make good public policy. We can have a stimulus package that truly helps those who have a need and gets us back on the track to employment opportunities for the people who really need them.

□ 2245

Mr. ALLEN. The gentleman from North Carolina (Mr. ETHERIDGE) makes an important point and it is worth elaborating on.

If we write a check to IBM for \$1.4 billion, that money comes out of the Federal Treasury. That is where it comes from. It is not available, for example, to acquire vaccines and antibiotics and we are going to have to do this. The President has said we have to do this. It is clear we have to do this. How much we have to do is the subject of debate, but we know we have to have more vaccines and antibiotics developed and acquired and stored and available.

Now, if this \$1.4 billion that is just simply given back to IBM is not available, the money for acquiring vaccines and antibiotics will be coming out of the general revenues of the Federal Government, but we are already well into the Social Security surplus. So what does that mean? That means that this \$1.4 billion is coming out of the Social Security surplus.

Who pays into the Social Security fund and how much do they pay? Well, 7.5 percent from the employees, 7.5 percent from the employer up to about \$80,000. And there we have to it, and that is where that money is coming

from. Essentially, it is all coming, it is all coming from salaries of \$80,000 and below.

Now, there will be some people who earn more than \$80,000 but they are only paying their Social Security taxes on that first \$80,000 or 82- or 83-, whatever the limit is now. So what we are doing is, we are getting to a place where we are funding with general revenues of the United States. We are actually starting to have a flat tax that hits the people at the lower end of the income scale much harder than the people at the upper end of the income scale, who are better able to afford it.

We developed a progressive tax system in this country because we believed it was fair. And now as we slide back into deficits and as we do these handouts for the largest corporations in the country, the effect is to lean even harder on the ordinary people of this country, who are just getting up every day, trying to keep their jobs, support their families, somehow pay for their health care; and these are the people who we are asking to sacrifice, even as we write a check to IBM, according to the Republican House proposal, for \$1.4 billion.

Mr. Speaker, I yield to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, let me compliment again the gentleman from Maine (Mr. ALLEN) for the fine job he has done. I think many Americans can recall the great voice from outside this chamber, when writing about the Harvest of Shame, was Edward R. Murrow. And he talked eloquently and was able to visually bring home to so many Americans problems associated with poverty, of just a small element of society. And yet it was very powerful and resounding. It is my belief that we are going to need the same kind of voices beyond this Chamber as well to demonstrate to the American public in a resounding manner, a public that is tired of promises and platitudes, and not fulfilling the commitment to the people that we are sworn to serve here in this Chamber.

I believe that it is going to take voices beyond this Chamber to bring these issues home. But I commend the very strong voice, the gentleman from Maine (Mr. ALLEN) who has so tirelessly and eloquently stated the plight of the elderly with regard to prescription drugs, and this evening has laid out in very specific fashion, albeit a very narrow tax in terms of the repeal of the alternative minimum tax. But just that tax alone, when contrasted to what could be provided to the American public, it has got to make people very disturbed and upset when they see the tax cut juxtaposed against what could be homeland security relief for so many of our front line responders in municipalities and cities all across this Nation. I commend the gentleman again.

Mr. ALLEN. Mr. Speaker, I thank the gentleman. I appreciate his being with me tonight during this special order.

In 1854 Abraham Lincoln wrote, "The role of governments is to do those things that a community of individuals cannot do or cannot do so well alone."

What he was talking about is, our governments are there to do things that we, of necessity, do together. And so many of the things that relate to homeland security are just that. We cannot have an individual Coast Guard. We cannot protect our borders individual by individual. We cannot deal with the threat of terrorism. We cannot provide vaccines. We cannot deal with all of these threats to our existence, these national security threats, as individuals. We can only do it through our government, our governments really at all levels.

It is a tragedy that in the aftermath of September 11, when we think about the way people in this country have responded, this is, in my opinion, the greatest sense of common purpose, the most resolve, the greatest unity that we have had in my lifetime. And to squander that unity, that resolve, by returning to an old agenda of giving corporate tax breaks in the \$25 billion range for this one tax cut alone, at a time when the country as a whole needs attention, not just aviation security, not just threats of bioterrorism but trying to deal with health care and education needs in this country, it is a tragedy that we would be so divided this way.

It is my hope that there will be a reconsideration of this issue, and that in the other body and in whatever conference emerges, that we will find a new way to express our common purpose, our common goals, the things we have to do together to deal with the threats that we are faced with today.

If we do that, I think that the sense of unity, the kind of resolve, the determination that we have, the sense that we are all in this together as the people of New York feel, as the people of Maine feel, and the people of Connecticut, and the people all across this country, if we do that, then I think this sense of common purpose can be preserved for a long time to come.

But if we degenerate into the same old tax breaks for the wealthiest individuals and the largest corporations in this country, if we degenerate into that, we will have lost an opportunity to pull ourselves together and lead this country over the next 10 years to a place we have not been before. That is our challenge. We have choices and we need to make better choices than we made 2 weeks ago.

Mr. Speaker, I thank the gentleman for being with me.

ANTI-AMERICAN SENTIMENT

The SPEAKER pro tempore (Mr. FORBES). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, as we face the calamity and the calamitous

events of September 11 and recognize what our Nation now needs to do in response to that, we also recognize that there are literally hundreds, thousands, perhaps, hundreds of thousands of incidents of incredible patriotism that have been expressed by the average American citizen. We have seen the many pictures on TV and the representations of the flag being held aloft, and it is truly inspiring. And it is indeed necessary for our country to survive, to have that kind of united agreement upon our principles about who we are and what we are trying to accomplish in this conflict.

But recently it has come to my attention, and I am sure to the attention of many of my colleagues, that we are also reaping what the seeds of political correctness that have been sown in this Nation over the last several years are producing for us.

For years we have, I should not say we perhaps, because it is predominantly liberal political thought that has initiated a hatred for everything American, for everything with expressions of what might be called patriotic. Textbooks all over our land for the last 20 years or more have been purged of anything resembling an appreciation of those who fought and died for our freedom.

We make fun of the people who constructed the most brilliant political document ever to be conceived of by the mind of men on this planet. And we taught our children to ignore or even deride these people and our heritage. We look down upon any act of patriotism. It was not perceived to be politically correct.

Our media, of course, aided and abetted this anti-American spirit under the guise of an intellectual superiority and political correctness. Our courts on far too many occasion have encouraged this anti-American sentiment by interpreting the Constitution in a way that would have had Madison and Adams spinning in their graves.

All of these things, in fact, comprise old news. No one is really surprised about that. We have talked about it certainly on this floor. I know many, many individuals have expressed their concern over the past years about the way in which American children were being taught in terms of our heritage and appreciation of those values that we call American.

By and large, as I say, Americans have reacted to the events of September 11 with great courage and great patriotism. But amazingly, amazingly there were many places in America where expressions of anti-American sentiment are still prevalent. Oftentimes, of course, they are college campuses where this goes on.

As recently as September 22, a gentleman by the name of Zewdalem Kebede, he is a recent American immigrant, he is from Ethiopia, he was studying in the campus library at San Diego State University, when he overheard a group of Saudi students dis-

cussing the suicide bombings of the Pentagon and the World Trade Center. They started talking about September 11, he said, and with the action that they were deeply pleased. They were happy.

The anti-American group, speaking in Arabic, thought that no one would be able to hear what they were saying. Kebede, who speaks fluent Arabic, surprised the anti-American students by interrupting their conversation in their native tongue. Guys, what are you talking about? And you are being unfair, he said. How do you feel happy when those 5,000 to 6,000 people are buried in two or three buildings. He said, You are proud of these terrorists. You should feel shame.

Kebede claims he addressed his fellow students in Arabic because he did not want to embarrass them in front of others. A Saudi student sitting at a nearby table then angrily confronted Kebede in English. The ensuing conversation grew heated. Thirty minutes later the police came for Kebede.

They informed him that a complaint had been issued against him. Soon the University Center for Student Rights ordered him to attend a disciplinary meeting because it was alleged he had been verbally abusive to other students. He received a letter ordering him not to respond to his accusers or he would face sanctions.

This is all from a story written by Daniel Flynn in Human Events the week of October 29, 2001.

□ 2300

The university, after a lot of outrage was expressed by some Members of the alumni especially, concluded the matter with an October 9 letter threatening disciplinary action against the political science senior: "You are admonished to conduct yourself as a responsible member of the campus community in the future," San Diego's missive warned. Of course, I and many others would say that is exactly what Mr. Kebede was doing on September 22. He was conducting himself in a completely responsible manner, and yet he is the one attacked by the institution, by some of his fellow students.

Unfortunately, what happened to Mr. Kebede at San Diego is not an isolated incident. At Marquette University, undergraduates were blocked from holding a moment of silence around the American flag on September 11. The gesture, the school's president and advisers felt, might be "offensive" to foreign students. The administration felt that it showed too much nationalism or patriotism and respect for foreign students.

At Lehigh University, the vice provost for student affairs initially reacted to the tragedy of September 11 by banning the display of the American flag. Lehigh spokesman explained, "The idea was to keep from offending some of our students, and maybe the result was much to the contrary."

When officials at Arizona State removed the American flag from a school

cafeteria out of fear that it might offend international students, Syrian immigrant Oubai Shahbandar introduced a bill in the student senate, paving the way for its return. Shahbandar's bill was defeated, but the ensuing bad publicity he generated against the school forced the administration's hand. The alumni threatened to pull their funding for the school. Money talked and the flag was returned.

Professor Robert Jensen of the University of Houston pronounced that, "My primary anger is directed at the leaders of this country." That is his response to September 11. "The attacks on the Pentagon and the World Trade Center are," he said, "no more despicable than the massive acts of terrorism, the deliberate killing of civilians for political purposes that the U.S. Government has committed in my lifetime. We are just as guilty," he concluded.

University of New Mexico Professor Richard Berthold bluntly declared, "Anyone who would blow up the Pentagon would get my vote."

Undergraduates writing in campus newspapers echoed this hatred against the United States, and I cannot imagine that we would be too surprised at that. Is that not just exactly the results that these professors would want? Is that not exactly what these students had been taught for years, that it is always our fault; that there is nothing in this country worth dying for; that there is nothing special, nothing of uniqueness that would give us the right to defend our way of life? That is what they have been taught.

I remember, Mr. Speaker, it was years ago now, but it was a demonstration against the war in Vietnam, and there was a young man at my college, and he was carrying a banner, a poster; and it said there is nothing worth dying for, and I remember thinking to myself even at the time here is a fellow who is tan, just coming back from spring break, somewhere probably in the Bahamas. That is where a lot of the folks went in those days at spring break. He was certainly well dressed. He was well fed, well taken care of. It was apparent that he was not at all in need of any physical help or he was certainly well off and certainly a representation of the average American student on a college campus; and here he was carrying a sign saying that there was nothing worth dying for, not home, not heart, not kith, not kin, nothing worth dying for.

We had hoped that that sentiment would be squelched by life's reality, frankly. It is understandable that idealistic students would seek this alternative way of expressing themselves or this way of expressing themselves, perhaps, because it is a part of growing up and being disruptive and that sort of thing, but it goes deeper than that I believe, Mr. Speaker.

I believe that it infects our institutions, and it will infect our society to our great detriment. These students,

who I started to mention, who wrote in various campus publications about America's involvement in Afghanistan, one of them said, "We are kidding ourselves in thinking we have been wronged."

This is Lisa Mann of Wake Forest University. She added, "Sometimes it's our fault."

"We sponsor dictators who maim. We defend corporations that enslave, and then we have the arrogance to pretend we are safe and untouchable," said a West Virginia University student, Joshua Green.

In light of the current destructive nationalism that calls for a war, a Duke student opined, the sight of the flag burning would be preferable to its display.

Mr. Kebede found out the hard way that if one loves America they are going to get in trouble, especially if they are on a campus and especially if they express that opinion. He was harassed by the university simply for disagreeing with people who welcomed the killing of thousands of Americans on September 11.

All that he is guilty of, Kebede insists, is loving his adoptive country. Is that a crime, he asks? At San Diego State, unfortunately, some people think it should be.

Public colleges that force patriotic students to remove American flags because they are potentially offensive and threaten to expel students who scold terrorists, cheering foreign students should immediately lose their government funding. This is something I agree with entirely. These examples that I have given and others that I will add to it are so disconcerting that I think it deserves our attention in this body.

I am going to go on and add a few more. At Central Michigan University, a school administrator told several students to remove a patriotic poster and an American flag from their dormitory. A residential adviser said that pro-American items were offensive.

At Pennsylvania State University, a professor was told that his Web site, which advocated military action against terrorists, was insensitive and perhaps even intimidating. Under Penn State speech codes, intimidating language is grounds for dismissal.

At Florida Gulf Coast University, Dean of Library Services Kathleen Hoeth demanded that employees remove "proud to be an American" stickers from their work areas on the grounds that they might offend international students.

At the University of North Carolina in Wilmington, a professor is under an investigation for harassment after he told a female student that he supported U.S. military action in Afghanistan. The student said that the position made her feel uncomfortable.

These things are incredible; and they are, as I say, worthy of our note.

Recently, and this one is, I suppose, striking closer to home as one that

really got me thinking about the issue to a greater extent, a few weeks ago Marcelee Gralapp, the Boulder, Colorado, Boulder Public Library's art director, recently turned down employee requests to hang a large flag from the glass entrance of the main branch. She said, "It would compromise our objectivity and we do have many flags outside," she said. "The idea is to make the environment of the library politically neutral to every one of the two to 3,000 Boulder residents that walk in each day," she said. "We have people of every faith and culture work walking into this building and we want everybody to feel welcome." "Library employees," she said, "can wear flag pins and ribbons," but she urges them to do it thoughtfully, whatever that means.

Now this has caused quite a stir in the Colorado papers because the same time that this particular library/art director had turned down a request to hang a large flag in front of the library, she approved a bizarre sort of artistic representation, I do not even know how graphically I can describe what was in the library. Suffice it to say that it offended the sensibilities of many members of the community, one to the point where the gentleman actually took down the display.

□ 2310

As I say, it is very graphic, and I will not go into it here. It is a comparison of attitude. That is something that is very, very difficult. If I can describe it here, it would be very difficult to describe this particular display as artistic in any shape or form, and yet it was approved to put up, and an American flag was not approved to put up because it might offend somebody.

That is where we are, Mr. Speaker.

I cannot imagine, frankly, that an American flag flying can offend anyone in the United States of America. I know we offend people or it is offensive to people like bin Laden and his supporters. We see them burning it every day on the news. We see other terrorists throughout the world who do take offense at the American flag, and that is dutifully carried by all of the media throughout the world, whatever they do to the flag. There is little that we can do about that except to stand in revulsion of it.

But here in the United States of America, Mr. Speaker, here, where that flag has draped the coffin of so many men and women who have given everything, their lives, their limbs, their health, for us to enjoy the freedom that we every day experience here. To be offended by that symbol is incredible, of course, to most of us. I would assume everyone in this Chamber would agree that it is incomprehensible.

I would add, Mr. Speaker, as dramatic as this statement may seem, or I guess some would say bombastic, the reality is if one enjoys the freedoms provided by this country, if one enjoys the economic benefit provided by our

system, by a free enterprise, capitalistic system, if one has sought that and come across our borders, oftentimes illegally, and has gained access to that freedom and economic opportunity, if you are offended, if you indeed take offense at the sight of an American flag flying from any building, from any porch, from any car antenna, if you take umbrage at that and if you are offended by that sight, then I say, get the hell out of the United States of America.

I do not believe there are millions of people who respond that way, but I believe there are some, undeniably, who do, who do take offense, and that is what these incredibly ultra-politically-correct librarians and school superintendents and principals are trying to reflect, because they themselves to a large extent take offense at the sight of the American flag, at the sight of its depiction. I say to them the same thing. How can you take advantage of everything this country has to offer and be offended by its symbol? It is truly incredible to me.

I will be attacked, of course, for being closed-mind and chauvinistic and all the rest of those things. I recognize that; but perhaps someone can explain to me in the midst of the attacks that I know will come as soon as I get back to the office, the phones have a tendency to light up when this subject is discussed, but perhaps someone can take the time to explain to me why I should not be offended personally at someone who says that they take offense at the flying of the flag.

Mr. Speaker, to that end, I have introduced H.R. 3201 which prohibits any department or agency of the United States from transferring any funds to any individual or entity that prohibits the display of the flag in the United States of America. That is it. It is one sentence.

I recognize full well that these people may have the absolute right to hate the United States as much as they do, to hate everything that we stand for. They have that right, but they do not have the right to command the tax dollars from hard-working Americans who do love this country, they do not have the right to take that money and then so callously disregard the system and the people who have created this wonderful experiment in freedom we call America.

Mr. Speaker, I would just go on now to one other topic, and that is the topic of immigration and immigration reform. To a certain extent my previous remarks did reflect my concerns about massive immigration, legal and illegal into this country. Immigration that has had incredibly detrimental effects, massive immigration that has had massive detrimental effects.

I want to go on with a series of discussions I have been having on the floor of the House over the last several weeks in which I have indicated that there are innumerable stories which have been brought to my attention

with regard to the issue of immigration and the problems inherent in the system that we presently operate, or perhaps I should say the lack of a system that we presently operate.

We are just building a file of incredible, but true and let me get something here, Mr. Speaker. This is an e-mail address that we have, Tom.Tancredo@mail.house.gov, and the fax number is (202) 226-4623. We use this for people to communicate with us. There is no way to do that through the regular mail, and yet we have had lots of people, actually several thousand people, try to communicate with us about this issue, about immigration reform, expressing their concerns and opinions and their willingness to try to do something about it, and also bringing to my attention and to the attention of the body some of the incidents which I call unbelievable but true.

Here is one more for this evening. This comes from an article originally published in the New Times Broward Palm Beach on November 8, 2001.

"The INS' Mary Schneider warned of the terrorist threat, but no one listened to her. More than 2 years before the September 11 attack, a seasoned Federal immigration officer named Mary Schneider vehemently complained that Islamic visitors who were possibly terrorists were moving into the Orlando area. She told INS officials that hundreds of aliens, some of whom she suspected were tied to Osama bin Laden, were illegally gaining residence. She further alleged that several INS supervisors had accepted bribes in return for allowing those aliens to remain in the country.

"Rather than investigate Ms. Schneider's complaints thoroughly, the INS began a campaign of retaliation against the 21-year immigration employee that nearly led to her termination."

□ 2320

Ms. Schneider has information from five informants on long-running, extensive, felony bribery conspiracies engaged in by Orlando INS and staff at former congressional offices, unnamed. The bribery ring involved over 50 Islamic Muslim Moroccans, an unknown number of whom had ties to Ihab Ali, an Egyptian who lived in Orlando before he was imprisoned in 1999 in New York City for ties to Osama bin Laden and East Africa embassy bombings.

INS officials stole cash and jewelry from illegal aliens who had been detained, she claims.

Records of more than 200 felony immigration fraud cases were secretly removed from her office.

Whatever the merit of her allegations, Ms. Schneider's warnings certainly proved prophetic. Numerous Orlando ties to the suicide bombings and bin Laden have been uncovered both before and after the attacks, so many that the Orlando Sentinel recently suggested that Central Florida should be dubbed "Terroristland."

Ms. Schneider has retained the services of an attorney. Her one-time attorney, Mr. Ross, said that the INS and the FBI both dropped the ball in a big way. "I was shocked that the Justice Department never investigated this. I don't think INS officials thought that what happened on September 11 would ever happen. Now people are actually going to look at this. Had the government followed Schneider's philosophy, we probably would have stopped some very bad people."

Schneider would say, "We are in danger. They are sending these terrorists into this country and I can't understand why more isn't being done. They are going to commit acts of terrorism in this country. She happened to hit the nail right on the head."

This is just one individual. We have had literally scores of communications of a similar nature, many of them from INS officials, who today have told us that they are willing to provide testimony. One of them is actually going to provide testimony to this body. Mr. Speaker, I am the chairman of the Immigration Reform Caucus here and our caucus will hold a hearing on Thursday, this week, at which one of these individuals, a 30-year INS employee, perhaps we will have two but we know right now of one for sure who we were able to obtain whistleblower status for and eventually the INS agreed to allow him to testify when they recognized they really could not stop it although they threatened to fire him shortly after his decision to speak to various congressmen was made known. But he is going to be here.

As I say, we have had all kinds of information like this, from INS agents who are good, solid Americans wanting to do their job and who recognize that the organization for which they work is incredibly corrupt and incompetent. Those are strong words, I recognize, Mr. Speaker; but they are the only ones that accurately portray the system itself. Corrupt and incompetent.

She alleges, as I said, INS officials stealing cash and jewelry from illegal aliens who had been detained. She suggests that a bribery ring was involved and that many officials, even staff at a former, quote, unnamed congressional office was involved. These things have got to be dealt with. The INS refused to deal with it. Even the Justice Department refused to deal with it.

Mohammed Atta, a name all too well known to everyone in the United States now as the ringleader of the group of 19 terrorists who hijacked the planes on September 11, Mohammed Atta here on a visa, left the country and did so illegally. He was to fill out a particular form, he did not do that, saying that I am going to leave the country, I will be returning on a certain day. He did not do it. He left; he came back. He came back through Miami in January of this year. He should have been stopped at that point in time. The INS actually recognized that he had not in fact informed them,

he had breached his contract, if you will, which is what a visa really is; and they could have at that time denied him entrance into the United States.

Mohammed Atta could have been stopped from coming back into the United States, at least in January. But the INS overlooked it, chose not to pay the slightest bit of attention to it. The INS time and time and time again, far too numerous to lay out in any 1-hour Special Order, but so many times that it is beyond imagination. It is unfathomable that this agency could be in charge of our security, our border security. They have put almost all of their resources into what I call immigration social work. When I was on a talk radio show in Denver not too long ago, shortly after I was on the radio the person running the show called the INS and had a spokesman for the INS come on. They said something like, isn't it your job to go after these people who are here illegally and get rid of them? And she said, well, kind of in a way. But really, she said, our main focus is to explain to these people why they are here illegally and then help them get benefits.

Mr. Speaker, I may be just confused about what I thought the INS was all about; but I think that that statement, that paraphrase in a nutshell describes the problem and the problem with which we must deal, and we must deal with it before leaving here this year. We have spent countless hours in the discussion of the degree to which we can make our airports more secure by improving the quality of the people that actually do the baggage screening. I have yet to hear any discussion of the literally hundreds of thousands of other people who have access to planes every single day, whether they be baggage handlers, whether they be food service workers, whether they be the people who repair the airplanes.

None of them fall under the scrutiny of this particular piece of legislation that we are spending an inordinate amount of time debating and was brought up many times by our friends on the other side here just a little bit ago. Is it not the least bit peculiar, is it not the least bit odd that we spend this amount of time focusing on one small part of the entire airport security problem, one tiny part, frankly, the baggage screening people, a very small number relatively speaking, but the sound and fury coming from this body and the other body about this would make you think that if we just solved this problem, we will all be okay, we can rest easy at night if we just simply make baggage screeners Federal employees, as if somehow magically by changing who their employer is, we will make these people much more competent. It is idiotic.

I personally, of course, support our efforts to try to improve airline security. I certainly support the House's bill which does so in a fashion far more definitive, far greater than the other body. As a person who flies twice a

week, as most of the Members of this body do, I have a very personal stake in this thing of airline security. And contrary to the allegations made by our friends on the other side of massive payments and massive influence-peddling by these corporations who want to maintain it, I have never heard from any of them; and I want to know what Member of this body would vote for a piece of legislation that he or she thought did not enhance the security to the greatest extent possible, because he or she flies a lot and my family flies a lot and my grandchildren get on planes all the time. I am not going to do anything that is going to minimize or even jeopardize their safety if I possibly can.

I have voted for and I believe the House bill is better. But all that said, Mr. Speaker, it begs the question, is that all there is to security in this country? The baggage screeners and bombing Afghanistan, that is what we have done so far. We have not even accomplished the former. I totally, totally support the President's actions in Afghanistan. I, of course, wish he had declared war; I wish he would have come to this body and asked for a declaration of war, because that is the constitutional way to handle this particular issue and crisis. Nonetheless, we are where we are. We have accomplished great things. The courage, the fortitude of our fighting men and women have persevered again. As the President said from that very podium the night he addressed the Nation, I know you will again make us proud, and they have.

□ 2330

And they have. But while we are fighting this struggle, again, I hesitate to call it a war, it actually is not, we have not declared war, but while we are fighting, involved in this struggle in Afghanistan, risking the lives of men and women in the uniform of the United States, we have paid literally no attention whatsoever to the most basic issue of security, of national security. It is not just bombing the terrorists in caves in Afghanistan; it is trying to stop those terrorists and their colleagues from coming across the borders of the United States.

If they get in here, I will worry about how they can get through a security checkpoint at an airport. We will do everything we can to stop them. But why would we not try to stop them at the border is the question that is begged by this discussion. Why would we not? Why have we not chosen to move as dramatically, as quickly, as expeditiously toward improving the security of our own borders as we have at enhancing the security of the people who look at the baggage going through the mechanism at the airport?

There are plenty of reasons, of course. It is, again, politically incorrect, going back to a discussion of the first part of my remarks. It is politically incorrect for us to talk about bor-

der security, because we are talking about then inhibiting the ability of people to come into the United States. And since most of the people coming into the United States, both legally and illegally, are coming from south of our border, it is an assumption that if you talk about immigration reform you are naturally talking about and expressing sort of a anti-Hispanic sentiment.

Mr. Speaker, I, for one, could not care less about the ethnicity of the people that are coming. It is the fact that our borders are insecure, and it is the fact that too many are coming, that I believe we must address. It does not matter from where. I am not talking about whether they are from Mexico, or Belgium. The issue is, who should control the boarders of a Nation? Should we actually? Is it the right of the United States to say who gets into the country and who does not? And if we say some do not, then should we not also say that it is our responsibility to try to prevent them from doing so illegally?

What part of this discussion is so hard for us in this body to comprehend? Why have we chosen not to deal with this? Many bills have been introduced. They have not seen the light of day. Even the administration has been reluctant to deal with the issue of immigration reform and border security, except in the most cursory ways, except talking about certain visa changes, changes in certain visa requirements.

Now, I am for strengthening visa requirements, Mr. Speaker, do not get me wrong. I am especially amazed at some of the more bizarre examples. This is another one of those incredible but true stories we could tell about immigration.

Up until just a short while ago, until we passed the anti-terrorism bill in this Congress and it was signed by the President just a short time ago, it was absolutely legal for anyone, well, put it this way: It was okay for someone to come to a consulate anywhere around the world, fill out a visa application and say on it I am a Member of al Qaeda, the terrorist network that is committed to the overthrow of your government, and I hate America, and I agree with all of the things al Qaeda has stated about the United States.

You could do that, and under our laws, that alone was not a reason to keep you out of the United States, because of something the other body and the leadership of the gentleman of Massachusetts sometime ago passed a law saying that just because someone has these political affiliations, they should not be kept out of the United States.

Incredible. Incredible, but true. Now, we reversed that when we passed the anti-terrorism bill. We added that one clause that says yes, they could be kept out. That is great. I am happy. But, Mr. Speaker, let us be serious about this. Does anybody think for a

moment that a terrorist, potential or real, is going to be even remotely intimidated by the fact that they cannot now attest to their allegiance to a terrorist network when they fill out their visa form, and so therefore they are going to say gee, you know, Mr. bin Laden, I wanted to go into the United States and wreak some havoc upon their people and kill as many as I possibly could, but, you know, I could not get my visa, so I just went home.

Who thinks that? Who thinks that is going to stop them? Why would they not do exactly what millions of other people do every single year, walk across the border, north or south of the United States? Walk into the country, as perhaps at least six of the 19 hijackers did?

When we asked the INS for information about these people, they said, oh, we are not sure. We will let you know. So they sent us eventually a document that indicated that ten of the people were here illegally because they had either overstayed their visas or were not doing what their visa was approved for. But, unfortunately, six of the 19, they said, we have no idea. This is the sort of, I call it the logo, if you will, of the INS. It is a shrugging the shoulders. I do not know. I have no idea. I do not know where these people came from. I have no idea what they were doing here. I do not know how. Maybe they snuck in. Could have been. We do not know.

Where are the hundreds thousands of people, you could ask the INS, that have been ordered deported by immigration law judges across this country? Three hundred thousand people, Mr. Speaker, even the INS now agrees with this, we forced them into telling the truth about the numbers. Three hundred thousand, they say, so therefore I believe that is a very significant underestimate. But let us assume they are right, 300,000 people have been deported.

No, they have not been deported, they have only been ordered deported. They have been brought up for trial, for rape, murder, robbery, fraud, for you name it. Not just, by the way, for overstaying their visa. That never gets you in front of a court.

There are literally millions of people in the United States here illegally. It is estimated that 700,000 to 800,000 enter illegally through the visa process, who end up staying as permanent residents of the United States every single year. So we asked the INS about that. They go, oh, I am not sure. I do not know. I am not positive. I cannot tell you about that.

Where are the 300,000? I do not know. They say we cannot go look for these people. They were ordered deported, but we just do not have the resources. We have got other things to do. We have to show them how to get benefits.

That is the mentality of the INS, to show them how to get benefits. As I say, there are hundreds of people who are dedicated workers. I do not want to

say thousands. I do not know if there are thousands in INS, but at least hundreds, I am sure, who are dedicated to the cause, dedicated to doing a good job, and they are thwarted by an agency that is completely and totally out of control. It is corrupt and it is incompetent. I repeat that allegation, and I want someone to prove me wrong, because, unfortunately, we today give them the responsibility of keeping our borders safe and secure.

Does anybody feel good about that? The people who have e-mailed us at this e-mail address or faxed us at that number, most of them, I would say 90 percent of them, do not feel comfortable with that, Mr. Speaker. They do not like the fact that the INS ignores the responsibility for protecting the border, for not just the protection of the border, but then for internal investigations; what to do about the people who got here, who are here illegally. To ignore them completely is something that is akin to a death wish for the country.

Now, I know that most of the people who come into the United States illegally do not do so to do us harm. They do so mostly for personal benefit. Naturally. That is probably why most of our ancestors came.

□ 2340

But we cannot be that unconcerned. We do not know. It is not in our ability to be able to stand at the border and say, I know you are coming across the border illegally, but you appear to have no ill intent. You appear to be just coming across to get a job, send some money back home, improve your own life, maybe go back, maybe not. And we cannot determine that from the person who is coming across with the purpose of killing as many Americans as he or she can possibly kill. We cannot really decide that at the borders. So we have to do the next best thing. We have to secure the border from all illegal immigration. We have to call up the National Guard in each of the States that border Mexico or Canada and ask them to please use their resources, the National Guard, in defense of our borders. If that is not good enough, then we should put our own active duty troops on the border. We should use all the technology available to us, the sensing devices. We should use air flight.

Mr. Speaker, we should do everything we possibly can to make sure that no one comes across that border that we do not know about. Hard? Absolutely. Foolproof? Absolutely not. No matter how hard we try, someone probably will get through. No matter how hard we try, someone with the intent to kill or commit acts of atrocity in the United States may get through. But that does not excuse us from trying.

We have laws on the books, Mr. Speaker, against any one of thousands of various kinds of human behaviors, and those laws are violated pretty regularly and yet, no one suggests that we

should simply ignore them because they are violated. We should do everything we can to protect our borders, everything we can. We should do everything we can to find the people who are here in the United States illegally and deport them. If we need workers, if we need workers in particular industries, fine. Establish a guest worker program that allows people to come in, allows their rights to be protected, and allows them to return home at the end of a contractual period of time, and an enforcement mechanism that makes sure that they do so, like a bond established for part of their wages or that the employer has to put up, part of the wages, that they can only be claimed once they return home. If we can convince this Congress, Mr. Speaker, that we need 10 million of these people every year, okay, that is fine, but bring them in here legally. Their lives are improved, their rights, they are not exploited by unscrupulous employers. That is fine with me. Then we determine how many people should be coming through just legally. Is it 1 million as it is today? I do not think so. It should be far fewer.

But regardless of what we determine to be the legal process whereby anybody gets into this country, we should do everything in our power to make sure that the illegal process that is used is slammed shut, at least to the best extent possible, to the greatest extent possible. Because as I have said oftentimes here on the floor of the House, and as I will repeat tonight, if, God forbid, another event of the nature of those that occurred on September 11, another event like that occurs, or like those occur and it is perpetrated by someone who comes across this border and is either here illegally at the time or enters illegally to do it, and we have not done everything in our power in this Congress to prevent that; I am not saying that it is foolproof, I emphasize that, it may still happen, but if we had not done everything in our power, then we are not just irresponsible, we are culpable. We have to live with that.

Mr. Speaker, I choose not to. I choose to know that I will do everything I could possibly do to bring to the attention of my colleagues and to the American people the seriousness of this debate on immigration reform. It is a matter now of life and death.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and the balance of the week on account of personal reasons.

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legis-

lative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LARSON of Connecticut) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 2620. An act making appropriation for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, November 14, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4567. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Wisconsin [W1107-01-7337a; FRL-7064-4] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4568. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Indiana; Oxides of Nitrogen Regulations [IN 131b; FRL-7077-7] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4569. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation entitled the, "Managerial Flexibility Act of 2001"; jointly to the Committees on Government Reform, Armed Services, International Relations, Intelligence (Permanent Select), Energy and Commerce, the Budget, Resources, Transportation and Infrastructure, Science, the Judiciary, and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 2269. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; with an amendment (Rept. 106-262 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2776. A bill to designate buildings 315, 318, and 319 located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City, New Jersey, as the "Frank R. Lautenberg Aviation Security Complex" (Rept. 107-279). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2841. A bill to designate the building located at 1 Federal Plaza in New York, New York, as the "James L. Watson United States Court of International Trade Building" (Rept. 107-280). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 2873. A bill to extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV-E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes; with an amendment (Rept. 107-281). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2546. A bill to amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service, and for other purposes; with an amendment (Rept. 107-282). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 3060. A bill to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission (Rept. 107-283). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2828. A bill to authorize refunds of amounts collected from Klamath Project irrigation and drainage districts for operation and maintenance of the Project's transferred and reserved works for water year 2001, and for other purposes; with amendments (Rept. 107-284). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1913. A bill to require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes; with an amendment (Rept. 107-285). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2976. A bill to provide for the issuance of a special entrance pass for free admission to any federally owned area which is operated and maintained by a Federal agency and used for outdoor recreation purposes to the survivors, victims' immediate families, and police, fire, rescue, recovery, and medical personnel directly affected by the September 11, 2001, terrorist hijackings and the attacks on the World Trade Center and the Pen-

tagon, and for other purposes (Rept. 107-286). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 286. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-287). Referred to the House Calendar.

Under Clause 2 of Rule XII the following action was taken by the Speaker:

Mr. THOMAS: Committee on Ways and Means. H.R. 2768. A bill to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program; with an amendment (Rept. 107-288 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2768. Referral to the Committee on Energy and Commerce extended for a period ending not later than November 16, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RUSH (for himself, Mr. SANDERS, Mr. CLAY, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Mr. OWENS, Mr. PAYNE, Mr. TOWNS, Mr. DAVIS of Illinois, and Mr. GONZALEZ):

H.R. 3277. A bill to expand the moratorium on foreclosure on FHA single family mortgage loans of borrowers affected by the events of September 11, 2001, to employees of air carriers and aircraft manufacturers who are involuntarily separated after such date and to further extend such moratorium; to the Committee on Financial Services.

By Mr. CAMP (for himself, Mr. JEFFERSON, Mr. BARTON of Texas, Mr. STARK, Mr. ENGLISH, Mr. BONIOR, Mrs. THURMAN, Mr. GORDON, Mr. SHIMKUS, Ms. ESHOO, Mr. RUSH, Mr. DOYLE, Mr. TOWNS, Mrs. JONES of Ohio, and Mr. EHLERS):

H.R. 3278. A bill to amend title XVIII of the Social Security Act to provide for coverage of cholesterol and blood lipid screening under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 3279. A bill to require the Nuclear Regulatory Commission to ensure that sufficient stockpiles of potassium iodide tablets have been established near nuclear power plants and that appropriate plans for their utilization exist; to the Committee on Energy and Commerce.

By Mrs. MINK of Hawaii:

H.R. 3280. A bill to amend title 37, United States Code, to reduce the number of consecutive days of deployment required before a member of a reserve component of the uniformed services is entitled to the higher rate of the basic allowance for housing; to the Committee on Armed Services.

By Mrs. MINK of Hawaii:

H.R. 3281. A bill to amend the Internal Revenue Code of 1986 to allow individuals a temporary deduction for travel expenses for the costs of travel after September 11, 2001, and before September 12, 2002; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 3282. A bill to designate the Federal building and United States courthouse located at 400 North Main Street in Butte, Montana, as the "Mike Mansfield Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Ms. SCHAKOWSKY (for herself, Ms.

PELOSI, Mr. RUSH, Mr. BLAGOJEVICH, Ms. BROWN of Florida, Mr. PAYNE, Ms. LEE, Ms. NORTON, Ms. KILPATRICK, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Mr. HINCHEY, Ms. DELAURO, Mrs. MINK of Hawaii, Mr. LIPINSKI, Mr. MORAN of Virginia, Mr. EVANS, and Mrs. CLAYTON):

H.R. 3283. A bill to direct the Consumer Product Safety Commission to promulgate a consumer product safety standard under section 7(a) of the Consumer Product Safety Act for each durable infant or toddler product, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 3284. A bill to amend title XVIII of the Social Security Act to provide for a complete transition period for the reduction of medicare beneficiary copayment for hospital outpatient department services furnished under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER (for himself, Mr. CONYERS, Mr. FOSSELLA, Mr. GILMAN, Mr. GRUCCI, Mr. KING, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. NADLER, Mr. OWENS, Mr. REYNOLDS, Mr. SERRANO, Mr. SWEENEY, and Ms. HARMAN):

H.R. 3285. A bill to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), Financial Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida (for himself, Mrs. MYRICK, Mr. GALLEGLY, Mr. DOOLITTLE, Mr. SCHAFFER, Mr. GOODE, and Mr. DEAL of Georgia):

H.R. 3286. A bill to provide for a temporary moratorium on visas for certain aliens, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN:

H.R. 3287. A bill to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the "Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center"; to the Committee on Government Reform.

By Mr. GEKAS (for himself, Mr. KANJORSKI, Mr. PITTS, and Mr. PLATTS):

H. Con. Res. 267. Concurrent resolution expressing the sense of the Congress concerning the security of nuclear facilities in

the United States; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself and Mrs. MALONEY of New York):

H. Con. Res. 268. Concurrent resolution expressing the sense of Congress that women from all ethnic groups in Afghanistan should participate in the economic and political reconstruction of Afghanistan; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself, Mr. BILIRAKIS, Mrs. MALONEY of New York, Mr. MENENDEZ, Mr. SHERMAN, Mr. PALLONE, Mr. HINCHEY, Mr. CAPUANO, Mr. CROWLEY, and Mr. TIERNEY):

H. Con. Res. 269. Concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus; to the Committee on International Relations.

By Mr. FORBES:

H. Res. 287. A resolution honoring the continuing service and commitment of the members of the National Guard and Reserve units activated in support of Operation Enduring Freedom; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mrs. CAPPS.
H.R. 111: Mr. ANDREWS.
H.R. 162: Mr. HASTINGS of Florida, Mr. SAXTON, and Ms. MCCOLLUM.
H.R. 527: Mr. CAMP.
H.R. 782: Mr. UPTON and Mrs. MINK of Hawaii.
H.R. 783: Mr. MCHUGH.
H.R. 1041: Mr. CARDIN.
H.R. 1090: Mr. MCGOVERN, Mr. DICKS, and Mr. WICKER.
H.R. 1170: Ms. SOLIS.
H.R. 1178: Mr. ENGLISH, Mr. ETHERIDGE, and Mr. HASTINGS of Florida.
H.R. 1265: Mr. INSLEE.
H.R. 1296: Mr. GRAVES, Ms. VELAZQUEZ, Mr. CULBERSON, and Mr. SANDLIN.
H.R. 1318: Mr. ENGLISH and Mr. TANCREDO.

H.R. 1405: Mr. HYDE.
H.R. 1433: Mr. ENGLISH.
H.R. 1436: Mr. LUTHER, Mr. GRAVES, and Mr. JOHNSON of Illinois.
H.R. 1465: Mr. HALL of Ohio.
H.R. 1624: Mrs. BIGGERT and Mr. STUMP.
H.R. 1733: Mr. HINCHEY, Mrs. MINK of Hawaii, and Mr. CROWLEY.
H.R. 1734: Mr. ANDREWS.
H.R. 1782: Mr. PETERSON of Pennsylvania and Ms. HART.
H.R. 1798: Mr. INSLEE.
H.R. 2023: Mr. FORBES.
H.R. 2125: Mr. EVANS, Mr. HAYES, Mr. RADANOVICH, Mr. SMITH of Washington, Mr. WEINER, Mr. INSLEE, Mrs. BIGGERT, and Mr. JENKINS.
H.R. 2219: Mr. MCINTYRE.
H.R. 2220: Mr. BECERRA and Ms. WATSON.
H.R. 2349: Mr. BLAGOJEVICH and Mrs. CHRISTENSEN.
H.R. 2442: Ms. HART.
H.R. 2459: Mr. GEORGE MILLER of California.
H.R. 2573: Mr. KILDEE, Mr. LUTHER, and Ms. LOFGREN.
H.R. 2592: Mr. MCGOVERN.
H.R. 2623: Ms. KAPTUR.
H.R. 2629: Mr. WELLER, Mr. SCHROCK, and Mrs. LOWEY.
H.R. 2709: Mr. TIERNEY.
H.R. 2749: Mr. SMITH of Washington.
H.R. 2794: Mr. LEACH.
H.R. 2795: Mr. BARTLETT of Maryland and Mr. HERGER.
H.R. 2835: Mr. HYDE, Mr. HORN, Mr. LATOURETTE, and Mr. GILMAN.
H.R. 2839: Mr. BAIRD.
H.R. 2896: Mr. SANDLIN.
H.R. 2946: Mr. SHERMAN and Mr. KILDEE.
H.R. 2960: Mr. KERNS.
H.R. 2970: Mr. NEAL of Massachusetts and Mr. TOM DAVIS of Virginia.
H.R. 3029: Mr. GRUCCI.
H.R. 3046: Ms. HART and Ms. WOOLSEY.
H.R. 3054: Mr. PASTOR, Ms. DELAURO, Mr. FROST, Mrs. THURMAN, Mr. FALCOMA, Ms. SLAUGHTER, Mr. REYNOLDS, Ms. KAPTUR, Ms. LOFGREN, and Mr. ACEVEDO-VILA.
H.R. 3087: Ms. WOOLSEY, Mr. PAUL, and Mr. HILL.
H.R. 3105: Mr. MCCRERY.
H.R. 3106: Ms. HOOLEY of Oregon.
H.R. 3161: Mr. BLUMENAUER, Mr. HINOJOSA, Mr. SCHIFF, Mr. BARRETT, Ms. BERKLEY, and Mr. SIMMONS.
H.R. 3175: Mr. KING, Mr. ENGEL, Mr. ENGLISH, and Mr. SHUSTER.
H.R. 3176: Mr. KENNEDY of Minnesota and Mr. RYUN of Kansas.
H.R. 3178: Mrs. TAUSCHER, Ms. HART, and Mr. INSLEE.

H.R. 3183: Mr. CALVERT.
H.R. 3201: Mr. SCHAFER, Mr. EVERETT, Mr. HOSTETTLER, and Mr. KENNEDY of Minnesota.
H.R. 3210: Mr. BEREUTER, Mr. LATOURETTE, and Ms. PRYCE of Ohio.
H.R. 3215: Mr. EHLERS, Mr. BALLENGER, Mr. TANCREDO, Mr. STUMP, Mr. CALLAHAN, Mr. BROWN of South Carolina, Mr. CULBERSON, Mr. BOEHLERT, Mr. LATOURETTE, Mr. COBLE, Mr. LIPINSKI, Mr. DELAY, and Mr. FOLEY.
H.R. 3217: Mrs. JONES of Ohio, Mr. LIPINSKI, Mr. MCGOVERN, Mrs. THURMAN, and Mr. ACKERMAN.
H.R. 3219: Mr. KING, Mr. COOKSEY, Mr. PALLONE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, Mr. WAXMAN, and Mr. FRANK.
H.R. 3230: Mr. WELDON of Florida.
H.R. 3235: Mr. ALLEN, Mr. SANDERS, Ms. ROYBAL-ALLARD, Ms. KAPTUR, and Mrs. JONES of Ohio.
H.R. 3238: Mr. TIERNEY and Mr. BONIOR.
H.R. 3240: Mr. BALLENGER.
H.R. 3246: Mr. STRICKLAND.
H.R. 3267: Mr. GEORGE MILLER of California.
H.J. Res. 21: Ms. LEE.
H. Con. Res. 77: Mr. HORN.
H. Con. Res. 222: Mr. PENCE and Mr. MCNULTY.
H. Con. Res. 249: Mr. BOEHLERT, Mrs. KELLY, Mr. LARSON of Connecticut, Ms. MCKINNEY, and Mr. REYNOLDS.
H. Con. Res. 257: Mr. WYNN, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. BLUMENAUER, and Mrs. MCCARTHY of New York.
H. Con. Res. 260: Mr. WATT of North Carolina, Mr. CONYERS, Mrs. CLAYTON, Mrs. JONES of Ohio, Ms. CARSON of Indiana, Mrs. MEEK of Florida, and Mr. CLYBURN.
H. Res. 235: Mr. ENGLISH.
H. Res. 265: Mrs. BONO.
H. Res. 276: Mr. WOLF and Mr. OSBORNE.
H. Res. 281: Mr. HOEFFEL, Mr. BURTON of Indiana, Mr. KIRK, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. FARR of California, Mr. BORSKI, Mr. CHABOT, Mr. DICKS, and Mrs. CAPPS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2779: Ms. SCHAKOWSKY.